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House File 215

H-1014

1 Amend House File 215 as follows:
2 1. Page 1, before line 1 by inserting:
3 <DIVISION
4 STATE SCHOOL FOUNDATION PROGRAM
5 Section 1. Section 257.2, subsection 9, Code 2013,
6 is amended by adding the following new paragraph:
7 NEW PARAGRAPH. *d.* Property tax replacement
8 payments received under section 257.16B.
9 Sec. _____. Section 257.4, subsection 1, paragraph
10 a, Code 2013, is amended by adding the following new
11 subparagraph:
12 NEW SUBPARAGRAPH. (9) The amount of the school
13 district property tax replacement payment received by
14 the school district under section 257.16B.
15 Sec. _____. Section 257.4, subsection 1, paragraph b,
16 Code 2013, is amended to read as follows:
17 *b.* For the budget year beginning July 1, 2008, and
18 succeeding budget years, the department of management
19 shall annually determine an adjusted additional
20 property tax levy and a statewide maximum adjusted
21 additional property tax levy rate, not to exceed the
22 statewide average additional property tax levy rate,
23 calculated by dividing the total adjusted additional
24 property tax levy dollars statewide by the statewide
25 total net taxable valuation. For purposes of this
26 paragraph, the adjusted additional property tax levy
27 shall be that portion of the additional property
28 tax levy corresponding to the state cost per pupil
29 multiplied by a school district's weighted enrollment,
30 and then multiplied by one hundred percent less the
31 regular program foundation base per pupil percentage
32 pursuant to section 257.1, and then reduced by the
33 amount of property tax replacement received under
34 section 257.16B. The district shall receive adjusted
35 additional property tax levy aid in an amount equal
36 to the difference between the adjusted additional
37 property tax levy rate and the statewide maximum
38 adjusted additional property tax levy rate, as applied
39 per thousand dollars of assessed valuation on all
40 taxable property in the district. ~~The statewide~~
41 ~~maximum adjusted additional property tax levy rate~~
42 ~~shall be annually determined by the department~~
43 ~~taking into account amounts allocated pursuant to~~
44 ~~section 257.15, subsection 4.~~ The statewide maximum
45 adjusted additional property tax levy rate shall be
46 annually determined by the department taking into
47 account amounts allocated pursuant to section 257.15,
48 subsection 4, and the balance of the property tax
49 equity and relief fund created in section 257.16A at
50 the end of the calendar year.

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1 Sec. _____. Section 257.8, subsections 1 and 2, Code
2 2013, are amended to read as follows:

3 1. *State percent of growth.* ~~The state percent of~~
4 ~~growth for the budget year beginning July 1, 2010, is~~
5 ~~two percent.~~ The state percent of growth for the
6 budget year beginning July 1, 2012, is two percent.
7 The state percent of growth for the budget year
8 beginning July 1, 2013, is two percent. The state
9 percent of growth for the budget year beginning July
10 1, 2014, is two percent. The state percent of growth
11 for each subsequent budget year shall be established
12 by statute which shall be enacted within thirty days
13 of the submission in the year preceding the base year
14 of the governor's budget under section 8.21. The
15 establishment of the state percent of growth for a
16 budget year shall be the only subject matter of the
17 bill which enacts the state percent of growth for a
18 budget year.

19 2. *Categorical state percent of growth.* ~~The~~
20 ~~categorical state percent of growth for the budget~~
21 ~~year beginning July 1, 2010, is two percent.~~ The
22 categorical state percent of growth for the budget
23 year beginning July 1, 2012, is two percent. The
24 categorical state percent of growth for the budget
25 year beginning July 1, 2013, is two percent. The
26 categorical state percent of growth for the budget
27 year beginning July 1, 2014, is two percent. The
28 categorical state percent of growth for each budget
29 year shall be established by statute which shall
30 be enacted within thirty days of the submission in
31 the year preceding the base year of the governor's
32 budget under section 8.21. The establishment of the
33 categorical state percent of growth for a budget year
34 shall be the only subject matter of the bill which
35 enacts the categorical state percent of growth for a
36 budget year. The categorical state percent of growth
37 may include state percents of growth for the teacher
38 salary supplement, the professional development
39 supplement, and the early intervention supplement.

40 Sec. _____. Section 257.15, subsection 4, paragraph
41 b, Code 2013, is amended to read as follows:

42 b. After lowering all school district adjusted
43 additional property tax levy rates to the statewide
44 maximum adjusted additional property tax levy rate
45 under paragraph "a", the department of management shall
46 use any remaining funds at the end of the calendar
47 year to further lower additional property taxes by
48 increasing for the budget year beginning the following
49 July 1, the state foundation base percentage. Moneys
50 used pursuant to this paragraph shall supplant an equal

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1 amount of the appropriation made from the general fund
2 of the state pursuant to section 257.16 that represents
3 the increase in state foundation aid.

4 Sec. _____. NEW SECTION. 257.16B School district
5 property tax replacement payments.

6 1. For each fiscal year beginning on or after July
7 1, 2013, there is appropriated from the general fund
8 of the state to the department of education an amount
9 necessary to make all school district property tax
10 replacement payments under this section, as calculated
11 in subsection 2, paragraph "c".

12 2. For each budget year beginning on or after July
13 1, 2013, the department of management shall calculate
14 for each school district all of the following:

15 a. The state cost per pupil for the budget year
16 beginning July 1, 2012, multiplied by one hundred
17 percent less the regular program foundation base per
18 pupil percentage pursuant to section 257.1.

19 b. The state cost per pupil for the budget year
20 multiplied by one hundred percent less the regular
21 program foundation base per pupil percentage pursuant
22 to section 257.1.

23 c. The amount of each school district's property
24 tax replacement payment. Each school district's
25 property tax replacement payment equals the school
26 district's weighted enrollment for the budget year
27 multiplied by the remainder of the amount calculated
28 for the school district under paragraph "b" minus
29 the amount calculated for the school district under
30 paragraph "a".

31 3. School district property tax replacement
32 payments under this section shall be paid by the
33 department of education at the same time and in the
34 same manner as foundation aid is paid and may be
35 included in the monthly payment of state aid under
36 section 257.16, subsection 2.

37 Sec. _____. CODE SECTION 257.8 —
38 IMPLEMENTATION. The requirements of section 257.8,
39 subsections 1 and 2, regarding the enactment of bills
40 establishing the regular program state percent of
41 growth and the categorical state percent of growth
42 within thirty days of the submission in the year
43 preceding the base year of the governor's budget and
44 regarding the subject matter limitation of such bills
45 do not apply to this division of this Act.

46 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
47 of this Act, being deemed of immediate importance,
48 takes effect upon enactment.

49 DIVISION _____
50 SCHOOL DISTRICT FUNDING TERMINOLOGY

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1 Sec. _____. Section 256C.4, subsection 1, paragraph
2 f, Code 2013, is amended to read as follows:
3 f. The receipt of funding by a school district
4 for the purposes of this chapter, the need for
5 additional funding for the purposes of this chapter,
6 or the enrollment count of eligible students under
7 this chapter shall not be considered to be unusual
8 circumstances, create an unusual need for additional
9 funds, or qualify under any other circumstances that
10 may be used by the school budget review committee
11 to grant supplemental aid to or establish modified
12 ~~allowable growth supplemental state aid~~ for a school
13 district under section 257.31.
14 Sec. _____. Section 257.2, subsection 1, Code 2013,
15 is amended by striking the subsection.
16 Sec. _____. Section 257.2, subsection 12, Code 2013,
17 is amended to read as follows:
18 12. "*State percent of growth*" means the percent
19 of growth which is established by statute pursuant to
20 section 257.8, and which is used in determining the
21 ~~allowable growth supplemental state aid~~.
22 Sec. _____. Section 257.2, Code 2013, is amended by
23 adding the following new subsection:
24 NEW SUBSECTION. 12A. "*Supplemental state aid*" means
25 the amount by which state cost per pupil and district
26 cost per pupil will increase from one budget year to
27 the next.
28 Sec. _____. Section 257.6, subsection 1, paragraph
29 a, subparagraph (5), Code 2013, is amended to read as
30 follows:
31 (5) Resident pupils receiving competent private
32 instruction from a licensed practitioner provided
33 through a public school district pursuant to chapter
34 299A shall be counted as three-tenths of one pupil.
35 Revenues received by a school district attributed to
36 a school district's weighted enrollment pursuant to
37 this subparagraph shall be expended for the purpose
38 for which the weighting was assigned under this
39 subparagraph. If the school district determines that
40 the expenditures associated with providing competent
41 private instruction pursuant to chapter 299A are
42 in excess of the revenue attributed to the school
43 district's weighted enrollment for such instruction in
44 accordance with this subparagraph, the school district
45 may submit a request to the school budget review
46 committee for modified ~~allowable growth supplemental~~
47 ~~state aid~~ in accordance with section 257.31, subsection
48 5, paragraph "n". A home school assistance program
49 shall not provide moneys received pursuant to this
50 subparagraph, nor resources paid for with moneys

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1 received pursuant to this subparagraph, to parents or
2 students utilizing the program. Moneys received by a
3 school district pursuant to this subparagraph shall be
4 used as provided in section 299A.12.
5 Sec. _____. Section 257.8, subsections 3, 6, and 7,
6 Code 2013, are amended to read as follows:
7 3. ~~Allowable-growth Supplemental state aid~~
8 ~~calculation.~~ The department of management shall
9 calculate the regular program ~~allowable-growth~~
10 ~~supplemental state aid~~ for a budget year by multiplying
11 the state percent of growth for the budget year by
12 the regular program state cost per pupil for the base
13 year and shall calculate the special education support
14 services ~~allowable-growth supplemental state aid~~ for
15 the budget year by multiplying the state percent of
16 growth for the budget year by the special education
17 support services state cost per pupil for the base
18 year.
19 6. ~~Combined allowable-growth supplemental state~~
20 ~~aid.~~ The combined ~~allowable-growth supplemental state~~
21 ~~aid~~ per pupil for each school district is the sum of
22 the regular program ~~allowable-growth supplemental~~
23 ~~state aid~~ per pupil and the special education support
24 services ~~allowable-growth supplemental state aid~~ per
25 pupil for the budget year, which may be modified as
26 follows:
27 a. By the school budget review committee under
28 section 257.31.
29 b. By the department of management under section
30 257.36.
31 7. ~~Alternate allowable-growth supplemental state~~
32 ~~aid — definitions.~~ For budget years beginning July
33 1, 2000, and subsequent budget years, references
34 to the terms "~~allowable-growth~~" "~~supplemental state~~
35 ~~aid~~", "~~regular program state cost per pupil~~", and
36 "~~regular program district cost per pupil~~" shall
37 mean those terms as calculated for those school
38 districts that calculated regular program ~~allowable~~
39 ~~growth supplemental state aid~~ for the school budget
40 year beginning July 1, 1999, with the additional
41 thirty-eight dollars specified in section 257.8,
42 subsection 4, Code 2013.
43 Sec. _____. Section 257.8, subsections 4 and 5, Code
44 2013, are amended by striking the subsections.
45 Sec. _____. Section 257.9, subsection 1, paragraph b,
46 Code 2013, is amended to read as follows:
47 b. The total calculated under this subsection shall
48 be divided by the total of the budget enrollments of
49 all school districts for the budget year beginning July
50 1, 1990, calculated under section 257.6, subsection

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1 4, if section 257.6, subsection 4, had been in effect
2 for that budget year. The regular program state
3 cost per pupil for the budget year beginning July 1,
4 1991, is the amount calculated by the department of
5 management under this subsection plus ~~an allowable~~
6 ~~growth~~ a supplemental state aid amount, as defined in
7 this division of this Act, that is equal to the state
8 percent of growth for the budget year multiplied by the
9 amount calculated by the department of management under
10 this subsection.

11 Sec. _____. Section 257.9, subsections 2, 4, 6, 7, 8,
12 9, and 10, Code 2013, are amended to read as follows:

13 2. *Regular program state cost per pupil for*
14 *1992-1993 and succeeding years.* For the budget year
15 beginning July 1, 1992, and succeeding budget years,
16 the regular program state cost per pupil for a budget
17 year is the regular program state cost per pupil for
18 the base year plus the regular program ~~allowable growth~~
19 supplemental state aid for the budget year.

20 4. *Special education support services state cost*
21 *per pupil for 1992-1993 and succeeding years.* For the
22 budget year beginning July 1, 1992, and succeeding
23 budget years, the special education support services
24 state cost per pupil for the budget year is the special
25 education support services state cost per pupil for the
26 base year plus the special education support services
27 ~~allowable growth~~ supplemental state aid for the budget
28 year.

29 6. *Teacher salary supplement state cost per*
30 *pupil.* For the budget year beginning July 1, 2009, for
31 the teacher salary supplement state cost per pupil, the
32 department of management shall add together the teacher
33 compensation allocation made to each district for the
34 fiscal year beginning July 1, 2008, pursuant to section
35 284.13, subsection 1, paragraph "h", Code 2009, and
36 the phase II allocation made to each district for the
37 fiscal year beginning July 1, 2008, pursuant to section
38 294A.9, Code 2009, and divide that sum by the statewide
39 total budget enrollment for the fiscal year beginning
40 July 1, 2009. The teacher salary supplement state
41 cost per pupil for the budget year beginning July 1,
42 2010, and succeeding budget years, shall be the amount
43 calculated by the department of management under this
44 subsection for the base year plus ~~an allowable growth~~
45 a supplemental state aid amount that is equal to the
46 teacher salary supplement categorical state percent of
47 growth, pursuant to section 257.8, subsection 2, for
48 the budget year, multiplied by the amount calculated
49 by the department of management under this subsection
50 for the base year.

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1 7. *Professional development supplement state cost*
2 *per pupil.* For the budget year beginning July 1, 2009,
3 for the professional development supplement state
4 cost per pupil, the department of management shall
5 add together the professional development allocation
6 made to each district for the fiscal year beginning
7 July 1, 2008, pursuant to section 284.13, subsection
8 1, paragraph "d", Code 2009, and divide that sum
9 by the statewide total budget enrollment for the
10 fiscal year beginning July 1, 2009. The professional
11 development supplement state cost per pupil for the
12 budget year beginning July 1, 2010, and succeeding
13 budget years, shall be the amount calculated by the
14 department of management under this subsection for
15 the base year plus ~~an allowable growth~~ a supplemental
16 state aid amount that is equal to the professional
17 development supplement categorical state percent of
18 growth, pursuant to section 257.8, subsection 2, for
19 the budget year, multiplied by the amount calculated
20 by the department of management under this subsection
21 for the base year.
22 8. *Early intervention supplement state cost per*
23 *pupil.* For the budget year beginning July 1, 2009,
24 for the early intervention supplement state cost per
25 pupil, the department of management shall add together
26 the early intervention allocation made to each district
27 for the fiscal year beginning July 1, 2008, pursuant
28 to section 256D.4, Code 2009, and divide that sum by
29 the statewide total budget enrollment for the fiscal
30 year beginning July 1, 2009. The early intervention
31 supplement state cost per pupil for the budget year
32 beginning July 1, 2010, and succeeding budget years,
33 shall be the amount calculated by the department of
34 management under this subsection for the base year plus
35 ~~an allowable growth~~ a supplemental state aid amount
36 that is equal to the early intervention supplement
37 categorical state percent of growth, pursuant to
38 section 257.8, subsection 2, for the budget year,
39 multiplied by the amount calculated by the department
40 of management under this subsection for the base year.
41 9. *Area education agency teacher salary supplement*
42 *state cost per pupil.* For the budget year beginning
43 July 1, 2009, for the area education agency teacher
44 salary supplement state cost per pupil, the department
45 of management shall add together the teacher
46 compensation allocation made to each area education
47 agency for the fiscal year beginning July 1, 2008,
48 pursuant to section 284.13, subsection 1, paragraph
49 "i", Code 2009, and the phase II allocation made
50 to each area education agency for the fiscal year

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1 beginning July 1, 2008, pursuant to section 294A.9,
2 Code 2009, and divide that sum by the statewide special
3 education support services weighted enrollment for
4 the fiscal year beginning July 1, 2009. The area
5 education agency teacher salary supplement state
6 cost per pupil for the budget year beginning July 1,
7 2010, and succeeding budget years, shall be the amount
8 calculated by the department of management under this
9 subsection for the base year plus ~~an allowable growth~~
10 a supplemental state aid amount that is equal to the
11 teacher salary supplement categorical state percent of
12 growth, pursuant to section 257.8, subsection 2, for
13 the budget year, multiplied by the amount calculated
14 by the department of management under this subsection
15 for the base year.

16 10. *Area education agency professional development*
17 *supplement state cost per pupil.* For the budget year
18 beginning July 1, 2009, for the area education agency
19 professional development supplement state cost per
20 pupil, the department of management shall add together
21 the professional development allocation made to each
22 area education agency for the fiscal year beginning
23 July 1, 2008, pursuant to section 284.13, subsection
24 1, paragraph "d", Code 2009, and divide that sum by
25 the statewide special education support services
26 weighted enrollment for the fiscal year beginning
27 July 1, 2009. The area education agency professional
28 development supplement state cost per pupil for the
29 budget year beginning July 1, 2010, and succeeding
30 budget years, shall be the amount calculated by the
31 department of management under this subsection for
32 the base year plus ~~an allowable growth~~ a supplemental
33 state aid amount that is equal to the professional
34 development supplement categorical state percent of
35 growth, pursuant to section 257.8, subsection 2, for
36 the budget year, multiplied by the amount calculated
37 by the department of management under this subsection
38 for the base year.

39 Sec. _____. Section 257.10, subsection 1, Code 2013,
40 is amended to read as follows:

41 1. *Regular program district cost per pupil for*
42 *1991-1992.* For the budget year beginning July 1, 1991,
43 in order to determine the regular program district
44 cost per pupil for a district, the department of
45 management shall divide the product of the regular
46 program district cost per pupil of the district for
47 the base year, as regular program district cost per
48 pupil would have been calculated under section 442.9,
49 Code 1989, multiplied by its budget enrollment for
50 the base year as budget enrollment would have been

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1 calculated under section 442.4, Code 1989, plus the
2 amount added to district cost pursuant to section
3 442.21, Code 1989, for each school district, by the
4 budget enrollment of the school district for the budget
5 year beginning July 1, 1990, calculated under section
6 257.6, subsection 4, as if section 257.6, subsection 4,
7 had been in effect for that budget year. The regular
8 program district cost per pupil for the budget year
9 beginning July 1, 1991, is the amount calculated by the
10 department of management under this subsection plus
11 the ~~allowable growth~~ supplemental state aid amount,
12 as defined in this division of this Act, calculated
13 for regular program state cost per pupil, except that
14 if the regular program district cost per pupil for
15 the budget year calculated under this subsection in
16 any school district exceeds one hundred ten percent
17 of the regular program state cost per pupil for the
18 budget year, the department of management shall reduce
19 the regular program district cost per pupil of that
20 district for the budget year to an amount equal to
21 one hundred ten percent of the regular program state
22 cost per pupil for the budget year, and if the regular
23 program district cost per pupil for the budget year
24 calculated under this subsection in any school district
25 is less than the regular program state cost per pupil
26 for the budget year, the department of management shall
27 increase the regular program district cost per pupil of
28 that district to an amount equal to the regular program
29 state cost per pupil for the budget year.

30 Sec. _____. Section 257.10, subsection 2, paragraph
31 a, Code 2013, is amended to read as follows:

32 a. For the budget year beginning July 1, 1992, and
33 succeeding budget years, the regular program district
34 cost per pupil for each school district for a budget
35 year is the regular program district cost per pupil for
36 the base year plus the regular program ~~allowable growth~~
37 supplemental state aid for the budget year except as
38 otherwise provided in this subsection.

39 Sec. _____. Section 257.10, subsection 4, paragraph
40 a, Code 2013, is amended to read as follows:

41 a. For the budget year beginning July 1, 1992, and
42 succeeding budget years, the special education support
43 services district cost per pupil for the budget year is
44 the special education support services district cost
45 per pupil for the base year plus the special education
46 support services ~~allowable growth~~ supplemental state
47 aid for the budget year.

48 Sec. _____. Section 257.10, subsection 5, Code 2013,
49 is amended to read as follows:

50 5. *Combined district cost per pupil.* The combined



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1 district cost per pupil for a school district is the
2 sum of the regular program district cost per pupil
3 and the special education support services district
4 cost per pupil. Combined district cost per pupil does
5 not include modified ~~allowable growth~~ supplemental
6 state aid added for school districts that have a
7 negative balance of funds raised for special education
8 instruction programs, modified ~~allowable growth~~
9 supplemental state aid granted by the school budget
10 review committee for a single school year, or modified
11 ~~allowable growth~~ supplemental state aid added for
12 programs for dropout prevention.

13 Sec. _____. Section 257.10, subsection 9, paragraph
14 a, Code 2013, is amended to read as follows:

15 a. For the budget year beginning July 1, 2009,
16 the department of management shall add together the
17 teacher compensation allocation made to each district
18 for the fiscal year beginning July 1, 2008, pursuant
19 to section 284.13, subsection 1, paragraph "h", Code
20 2009, and the phase II allocation made to each district
21 for the fiscal year beginning July 1, 2008, pursuant
22 to section 294A.9, Code 2009, and divide that sum by
23 the district's budget enrollment in the fiscal year
24 beginning July 1, 2009, to determine the teacher salary
25 supplement district cost per pupil. For the budget
26 year beginning July 1, 2010, and succeeding budget
27 years, the teacher salary supplement district cost per
28 pupil for each school district for a budget year is
29 the teacher salary supplement program district cost
30 per pupil for the base year plus the teacher salary
31 supplement ~~state allowable growth~~ supplemental state
32 aid amount for the budget year.

33 Sec. _____. Section 257.10, subsection 10, paragraph
34 a, Code 2013, is amended to read as follows:

35 a. For the budget year beginning July 1, 2009, the
36 department of management shall divide the professional
37 development allocation made to each district for the
38 fiscal year beginning July 1, 2008, pursuant to section
39 284.13, subsection 1, paragraph "d", Code 2009, by
40 the district's budget enrollment in the fiscal year
41 beginning July 1, 2009, to determine the professional
42 development supplement cost per pupil. For the
43 budget year beginning July 1, 2010, and succeeding
44 budget years, the professional development supplement
45 district cost per pupil for each school district for a
46 budget year is the professional development supplement
47 district cost per pupil for the base year plus the
48 professional development supplement ~~state allowable~~
49 ~~growth~~ supplemental state aid amount for the budget
50 year.

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1 Sec. _____. Section 257.10, subsection 11, paragraph
2 a, Code 2013, is amended to read as follows:
3 a. For the budget year beginning July 1, 2009,
4 the department of management shall divide the early
5 intervention allocation made to each district for the
6 fiscal year beginning July 1, 2008, pursuant to section
7 256D.4, Code 2009, by the district's budget enrollment
8 in the fiscal year beginning July 1, 2009, to determine
9 the early intervention supplement cost per pupil. For
10 the budget year beginning July 1, 2010, and succeeding
11 budget years, the early intervention supplement
12 district cost per pupil for each school district for
13 a budget year is the early intervention supplement
14 district cost per pupil for the base year plus the
15 early development supplement ~~state allowable growth~~
16 supplemental state aid amount for the budget year.
17 Sec. _____. Section 257.13, subsections 2 and 3, Code
18 2013, are amended to read as follows:
19 2. The board of directors of a school district that
20 wishes to receive an on-time funding budget adjustment
21 shall adopt a resolution to receive the adjustment and
22 notify the school budget review committee annually,
23 but not earlier than November 1, as determined by the
24 department of education. The school budget review
25 committee shall establish a modified ~~allowable growth~~
26 supplemental state aid in an amount determined pursuant
27 to subsection 1.
28 3. If the board of directors of a school district
29 determines that a need exists for additional funds
30 exceeding the authorized budget adjustment for on-time
31 funding pursuant to this section, a request for
32 modified ~~allowable growth~~ supplemental state aid based
33 upon increased enrollment may be submitted to the
34 school budget review committee as provided in section
35 257.31.
36 Sec. _____. Section 257.31, subsection 5, unnumbered
37 paragraph 1, Code 2013, is amended to read as follows:
38 If a district has unusual circumstances, creating
39 an unusual need for additional funds, including
40 but not limited to the circumstances enumerated in
41 paragraphs "a" through "n", the committee may grant
42 supplemental aid to the district from any funds
43 appropriated to the department of education for
44 the use of the school budget review committee for
45 the purposes of this subsection. The school budget
46 review committee shall review a school district's
47 unexpended fund balance prior to any decision regarding
48 unusual finance circumstances. Such aid shall be
49 miscellaneous income and shall not be included in
50 district cost. In addition to or as an alternative to

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1 granting supplemental aid the committee may establish
2 a modified ~~allowable growth~~ supplemental state aid
3 for the district by increasing its ~~allowable growth~~
4 supplemental state aid. The school budget review
5 committee shall review a school district's unspent
6 balance prior to any decision to increase modified
7 ~~allowable growth~~ supplemental state aid under this
8 subsection.

9 Sec. _____. Section 257.31, subsection 6, paragraph
10 a, Code 2013, is amended to read as follows:

11 a. The committee shall establish a modified
12 ~~allowable growth~~ supplemental state aid for a district
13 by increasing its ~~allowable growth~~ supplemental
14 state aid when the district submits evidence that it
15 requires additional funding for removal, management,
16 or abatement of environmental hazards due to a state
17 or federal requirement. Environmental hazards
18 shall include but are not limited to the presence of
19 asbestos, radon, or the presence of any other hazardous
20 material dangerous to health and safety.

21 Sec. _____. Section 257.31, subsection 7, paragraph
22 b, Code 2013, is amended to read as follows:

23 b. Other expenditures, including but not limited
24 to expenditures for salaries or recurring costs, are
25 not authorized under this subsection. Expenditures
26 authorized under this subsection shall not be included
27 in ~~allowable growth~~ supplemental state aid or district
28 cost, and the portion of the unexpended fund balance
29 which is authorized to be spent shall be regarded as if
30 it were miscellaneous income. Any part of the amount
31 not actually spent for the authorized purpose shall
32 revert to its former status as part of the unexpended
33 fund balance.

34 Sec. _____. Section 257.31, subsection 14, paragraph
35 b, subparagraph (3), Code 2013, is amended to read as
36 follows:

37 (3) A school district is only eligible to receive
38 supplemental aid payments during the budget year if
39 the school district certifies to the school budget
40 review committee that for the year following the
41 budget year it will notify the school budget review
42 committee to instruct the director of the department of
43 management to increase the district's ~~allowable growth~~
44 supplemental state aid and will fund the ~~allowable~~
45 ~~growth~~ supplemental state aid increase either by using
46 moneys from its unexpended fund balance to reduce the
47 district's property tax levy or by using cash reserve
48 moneys to equal the amount of the deficit that would
49 have been property taxes and any part of the state aid
50 portion of the deficit not received as supplemental aid

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1 under this subsection. The director of the department
2 of management shall make the necessary adjustments to
3 the school district's budget to provide the modified
4 ~~allowable growth supplemental state aid~~ and shall make
5 the supplemental aid payments.
6 Sec. _____. Section 257.32, subsection 1, paragraph
7 a, Code 2013, is amended to read as follows:
8 a. An area education agency budget review procedure
9 is established for the school budget review committee
10 created in section 257.30. The school budget review
11 committee, in addition to its duties under section
12 257.31, shall meet and hold hearings each year to
13 review unusual circumstances of area education
14 agencies, either upon the committee's motion or upon
15 the request of an area education agency. The committee
16 may grant supplemental aid to the area education agency
17 from funds appropriated to the department of education
18 for area education agency budget review purposes, or
19 an amount may be added to the area education agency
20 special education support services ~~allowable growth~~
21 ~~supplemental state aid~~ for districts in an area or
22 an additional amount may be added to district cost
23 for media services or educational services for all
24 districts in an area for the budget year either on a
25 temporary or permanent basis, or both.
26 Sec. _____. Section 257.37, subsections 1 and 3, Code
27 2013, are amended to read as follows:
28 1. For the budget year beginning July 1, 1991,
29 and succeeding budget years, the total amount funded
30 in each area for media services shall be computed as
31 provided in this subsection. For the budget year
32 beginning July 1, 1991, the total amount funded in
33 each area for media services in the base year shall
34 be divided by the enrollment served in the base year
35 to provide an area media services cost per pupil in
36 the base year, and the department of management shall
37 compute the state media services cost per pupil in the
38 base year which is equal to the average of the area
39 media services costs per pupil in the base year. For
40 the budget year beginning July 1, 1991, and succeeding
41 budget years, the department of management shall
42 compute the ~~allowable growth supplemental state aid~~
43 for media services in the budget year by multiplying
44 the state media services cost per pupil in the base
45 year times the state percent of growth for the budget
46 year, and the total amount funded in each area for
47 media services cost in the budget year equals the
48 area media services cost per pupil in the base year
49 plus the ~~allowable growth supplemental state aid~~ for
50 media services in the budget year times the enrollment

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1 served in the budget year. Funds shall be paid to area
2 education agencies as provided in section 257.35.
3 3. For the budget year beginning July 1, 1991, and
4 succeeding budget years, the total amount funded in
5 each area for educational services shall be computed
6 as provided in this subsection. For the budget year
7 beginning July 1, 1991, the total amount funded in each
8 area for educational services in the base year shall
9 be divided by the enrollment served in the area in
10 the base year to provide an area educational services
11 cost per pupil in the base year, and the department
12 of management shall compute the state educational
13 services cost per pupil in the base year, which is
14 equal to the average of the area educational services
15 costs per pupil in the base year. For the budget
16 year beginning July 1, 1991, and succeeding budget
17 years, the department of management shall compute the
18 ~~allowable growth supplemental state aid~~ for educational
19 services by multiplying the state educational services
20 cost per pupil in the base year times the state percent
21 of growth for the budget year, and the total amount
22 funded in each area for educational services for the
23 budget year equals the area educational services cost
24 per pupil for the base year plus the ~~allowable growth~~
25 ~~supplemental state aid~~ for educational services in the
26 budget year times the enrollment served in the area in
27 the budget year. Funds shall be paid to area education
28 agencies as provided in section 257.35.
29 Sec. _____. Section 257.37A, subsection 1, paragraph
30 a, Code 2013, is amended to read as follows:
31 a. For the budget year beginning July 1, 2009,
32 the department of management shall add together the
33 teacher compensation allocation made to each area
34 education agency for the fiscal year beginning July
35 1, 2008, pursuant to section 284.13, subsection 1,
36 paragraph "i", Code 2009, and the phase II allocation
37 made to each area education agency for the fiscal year
38 beginning July 1, 2008, pursuant to section 294A.9,
39 Code 2009, and divide that sum by the special education
40 support services weighted enrollment in the fiscal
41 year beginning July 1, 2009, to determine the area
42 education agency teacher salary supplement cost per
43 pupil. For the budget year beginning July 1, 2010,
44 and succeeding budget years, the area education agency
45 teacher salary supplement district cost per pupil
46 for each area education agency for a budget year is
47 the area education agency teacher salary supplement
48 district cost per pupil for the base year plus the
49 area education agency teacher salary supplement ~~state~~
50 ~~allowable growth supplemental state aid~~ amount for the

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1 budget year.
2 Sec. _____. Section 257.37A, subsection 2, paragraph
3 a, Code 2013, is amended to read as follows:
4 a. For the budget year beginning July 1, 2009,
5 the department of management shall divide the area
6 education agency professional development supplement
7 made to each area education agency for the fiscal year
8 beginning July 1, 2008, pursuant to section 284.13,
9 subsection 1, paragraph "d", Code 2009, by the special
10 education support services weighted enrollment in
11 the fiscal year beginning July 1, 2009, to determine
12 the professional development supplement cost per
13 pupil. For the budget year beginning July 1, 2010,
14 and succeeding budget years, the area education agency
15 professional development supplement district cost per
16 pupil for each area education agency for a budget year
17 is the area education agency professional development
18 supplement district cost per pupil for the base year
19 plus the area education agency professional development
20 supplement ~~state allowable growth~~ supplemental state
21 aid amount for the budget year.
22 Sec. _____. Section 257.38, subsection 1, unnumbered
23 paragraph 1, Code 2013, is amended to read as follows:
24 Boards of school districts, individually or jointly
25 with boards of other school districts, requesting
26 to use modified ~~allowable growth~~ supplemental state
27 aid for programs for returning dropouts and dropout
28 prevention, shall submit comprehensive program plans
29 for the programs and budget costs, including annual
30 requests for modified ~~allowable growth~~ supplemental
31 state aid for funding the programs, to the department
32 of education as a component of the comprehensive school
33 improvement plan submitted to the department pursuant
34 to section 256.7, subsection 21. The program plans
35 shall include:
36 Sec. _____. Section 257.38, subsection 2, Code 2013,
37 is amended to read as follows:
38 2. Program plans shall identify the parts of the
39 plan that will be implemented first upon approval
40 of the request. If a district is requesting to use
41 modified ~~allowable growth~~ supplemental state aid
42 to finance the program, the school district shall
43 not identify more than five percent of its budget
44 enrollment for the budget year as returning dropouts
45 and potential dropouts.
46 Sec. _____. Section 257.40, Code 2013, is amended to
47 read as follows:
48 **257.40 Approval of programs for returning dropouts**
49 **and dropout prevention — annual report.**
50 1. The board of directors of a school district

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1 requesting to use modified allowable-growth
2 supplemental state aid for programs for returning
3 dropouts and dropout prevention shall submit requests
4 for modified at-risk allowable-growth supplemental
5 state aid, including budget costs, to the department
6 not later than December 15 of the year preceding the
7 budget year during which the program will be offered.
8 The department shall review the request and shall prior
9 to January 15 either grant approval for the request
10 or return the request for approval with comments of
11 the department included. An unapproved request for a
12 program may be resubmitted with modifications to the
13 department not later than February 1. Not later than
14 February 15, the department shall notify the department
15 of management and the school budget review committee of
16 the names of the school districts for which programs
17 using modified allowable-growth supplemental state aid
18 for funding have been approved and the approved budget
19 of each program listed separately for each school
20 district having an approved request.

21 2. Beginning January 15, 2007, the department shall
22 submit an annual report to the chairpersons and ranking
23 members of the senate and house education committees
24 that includes the ways school districts in the previous
25 school year used modified allowable-growth supplemental
26 state aid approved under subsection 1; identifies,
27 by grade level, age, and district size, the students
28 in the dropout and dropout prevention programs for
29 which the department approves a request; describes
30 school district progress toward increasing student
31 achievement and attendance for the students in the
32 programs; and describes how the school districts are
33 using the revenues from the modified allowable-growth
34 supplemental state aid to improve student achievement
35 among minority subgroups.

36 Sec. _____. Section 257.41, subsections 1 and 3, Code
37 2013, are amended to read as follows:

38 1. *Budget.* The budget of an approved program for
39 returning dropouts and dropout prevention for a school
40 district, after subtracting funds received from other
41 sources for that purpose, shall be funded annually on
42 a basis of one-fourth or more from the district cost
43 of the school district and up to three-fourths by an
44 increase in allowable-growth supplemental state aid as
45 defined in section 257.8. Annually, the department of
46 management shall establish a modified allowable-growth
47 supplemental state aid for each such school district
48 equal to the difference between the approved budget
49 for the program for returning dropouts and dropout
50 prevention for that district and the sum of the amount

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1 funded from the district cost of the school district
2 plus funds received from other sources.

3 3. *Limitation.* For the fiscal year beginning
4 July 1, 2013, and each succeeding fiscal year, the
5 ratio of the amount of modified ~~allowable growth~~
6 supplemental state aid established by the department
7 of management compared to the school district's total
8 regular program district cost shall not exceed two and
9 one-half percent. However, if the school district's
10 highest such ratio so determined for any fiscal year
11 beginning on or after July 1, 2009, but before July 1,
12 2013, exceeded two and one-half percent, the ratio may
13 exceed two and one-half percent but shall not exceed
14 the highest such ratio established during that period.

15 Sec. _____. Section 257.46, subsection 2, Code 2013,
16 is amended to read as follows:

17 2. The remaining portion of the budget shall be
18 funded by the thirty-eight dollar increase in ~~allowable~~
19 growth supplemental state aid, as defined in this
20 division of this Act, for the school budget year
21 beginning July 1, 1999, multiplied by a district's
22 budget enrollment. The thirty-eight dollar increase
23 for the school budget year beginning July 1, 1999,
24 shall increase in subsequent years by each year's state
25 percent of growth. School districts shall annually
26 report the amount expended for a gifted and talented
27 program to the department of education. The proportion
28 of a school district's budget which corresponds to
29 the thirty-eight dollar increase in ~~allowable growth~~
30 supplemental state aid, as defined in this division of
31 this Act, for the school budget year beginning July 1,
32 1999, added to the amount in subsection 1, shall be
33 utilized exclusively for a school district's gifted and
34 talented program.

35 Sec. _____. Section 273.23, subsection 8, Code 2013,
36 is amended to read as follows:

37 8. For the school year beginning on the effective
38 date of an area education agency reorganization as
39 provided in this subchapter, the special education
40 support services cost per pupil shall be based upon
41 the combined base year budgets for special education
42 support services of the area education agencies that
43 reorganized to form the newly formed area education
44 agency, divided by the total of the weighted enrollment
45 for special education support services in the
46 reorganized area education agency for the base year
47 plus the ~~allowable growth~~ supplemental state aid amount
48 per pupil for special education support services for
49 the budget year as calculated in section 257.8.

50 Sec. _____. Section 280.4, subsection 3, Code 2013,

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1 is amended to read as follows:

2 3. In order to provide funds for the excess costs
3 of instruction of limited English proficient students
4 above the costs of instruction of pupils in a regular
5 curriculum, students identified as limited English
6 proficient shall be assigned an additional weighting
7 of twenty-two hundredths, and that weighting shall
8 be included in the weighted enrollment of the school
9 district of residence for a period not exceeding four
10 years. However, the school budget review committee may
11 grant supplemental aid or modified ~~allowable growth~~
12 supplemental state aid to a school district to continue
13 funding a program for students after the expiration of
14 the four-year period.

15 Sec. _____. APPLICABILITY. This division of this Act
16 applies to school budget years beginning on or after
17 July 1, 2014.>

18 2. Page 23, line 22, by striking <an allowable
19 growth> and inserting <a supplemental state aid>

20 3. Page 24, line 21, by striking <state allowable
21 growth> and inserting <supplemental state aid>

22 4. Page 36, line 17, by striking <allowable growth>
23 and inserting <supplemental state aid>

24 5. By renumbering, redesignating, and correcting
25 internal references as necessary.

SODERBERG of Plymouth



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House File 215

H-1015

- 1 Amend House File 215 as follows:
- 2 1. Page 10, line 15, by striking <an> and inserting
- 3 <a>
- 4 2. Page 46, by striking lines 17 through 25.
- 5 3. By renumbering as necessary.

JORGENSEN of Woodbury



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House File 215

H-1016

1 Amend House File 215 as follows:

2 1. Page 48, after line 20 by inserting:

3 <DIVISION _____

4 INDEPENDENT ACCREDITATION OF NONPUBLIC SCHOOLS

5 Sec. _____. Section 256.11, Code 2013, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 16. a. Notwithstanding
8 subsections 1 through 12, a nonpublic school may be
9 accredited by an approved independent accrediting
10 agency instead of by the state board as provided in
11 this subsection. The state board shall maintain a list
12 of approved independent accrediting agencies comprised
13 of at least six regional or national nonprofit,
14 nongovernmental agencies recognized as reliable
15 authorities concerning the quality of education offered
16 by a school and shall publish the list of independent
17 accrediting agencies on the department's internet site.
18 The list shall include accrediting agencies that, as
19 of January 1, 2013, accredited a nonpublic school in
20 this state that was concurrently accredited under
21 this section; and any agency that has a formalized
22 partnership agreement with another agency on the list
23 and has member schools in this state as of January 1,
24 2013.

25 b. A nonpublic school that participates in the
26 accreditation process offered by an independent
27 accrediting agency on the approved list published
28 pursuant to paragraph "a" shall be deemed to meet the
29 education standards of this section. However, such a
30 school shall comply with statutory health and safety
31 requirements for school facilities.

32 c. If the state board takes preliminary action to
33 remove an agency from the approved list published on
34 the department's internet site pursuant to paragraph
35 "a", the department shall, at least one year prior to
36 removing the agency from the approved list, notify the
37 nonpublic schools participating in the accreditation
38 process offered by the agency of the state board's
39 intent to remove the accrediting agency from its
40 approved list of independent accrediting agencies.
41 The notice shall also be posted on the department's
42 internet site and shall contain the proposed date
43 of removal. The nonpublic school shall attain
44 accreditation under this subsection or subsections 1
45 through 12 not later than one year following the date
46 on which the state board removes the agency from its
47 list of independent accrediting agencies.

48 DIVISION _____

49 DRIVER EDUCATION BY TEACHING PARENT

50 Sec. _____. NEW SECTION. 321.178A Driver education

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1 — teaching parent.

2 1. *Teaching parent.* As an alternative to the
3 driver education requirements under section 321.178,
4 a teaching parent may instruct a student in a driver
5 education course that meets the requirements of this
6 section and provide evidence that the requirements
7 under this section have been met.

8 2. *Definitions.* For purposes of this section:

9 a. *"Approved course"* means driver education
10 curriculum approved by the department pursuant to rules
11 adopted under chapter 17A. An approved course shall,
12 at a minimum, meet the requirements of subsection 3
13 and be appropriate for teaching-parent-directed driver
14 education and related street or highway instruction.
15 Driver education materials that meet or exceed
16 standards established by the department for an approved
17 course in driver education for a public or private
18 school shall be approved unless otherwise determined by
19 the department. The list of approved courses shall be
20 posted on the department's internet site.

21 b. *"Student"* means a person between the ages of
22 fourteen and twenty-one years who is within the custody
23 and control of the teaching parent and who satisfies
24 preliminary licensing requirements of the department.

25 c. *"Teaching parent"* means a parent, guardian,
26 or legal custodian of a student who is currently
27 providing competent private instruction to the student
28 pursuant to section 299A.2 or 299A.3 and who provided
29 such instruction to the student during the previous
30 year; who has a valid driver's license, other than a
31 motorized bicycle license or a temporary restricted
32 license, that permits unaccompanied driving; and
33 who has maintained a clear driving record for the
34 previous two years. For purposes of this paragraph,
35 *"clear driving record"* means the individual has not
36 been identified as a candidate for suspension or
37 revocation of a driver's license under the habitual
38 violator or habitual offender provisions of the
39 department's regulations; is not subject to a driver's
40 license suspension, revocation, denial, cancellation,
41 disqualification, or bar; and has no record of a
42 conviction for a moving traffic violation determined to
43 be the cause of a motor vehicle accident.

44 3. *Course of instruction.*

45 a. An approved course administered by a teaching
46 parent shall consist of but not be limited to the
47 following:

48 (1) Thirty clock hours of classroom instruction.

49 (2) Forty hours of street or highway driving
50 including four hours of driving after sunset and before

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1 sunrise while accompanied by the teaching parent.
2 (3) Four hours of classroom instruction concerning
3 substance abuse.
4 (4) A minimum of twenty minutes of instruction
5 concerning railroad crossing safety.
6 (5) Instruction relating to becoming an organ
7 donor under the revised uniform anatomical gift Act as
8 provided in chapter 142C.
9 (6) Instruction providing an awareness about
10 sharing the road with bicycles and motorcycles.
11 *b.* The content of the course of instruction
12 required under this subsection shall be equivalent
13 to that required under section 321.178. However,
14 reference and study materials, physical classroom
15 requirements, and extra vehicle safety equipment
16 required for instruction under section 321.178 shall
17 not be required for the course of instruction provided
18 under this section.
19 *4. Course completion and certification.* Upon
20 application by a student for an intermediate license,
21 the teaching parent shall provide evidence showing
22 the student's completion of an approved course and
23 substantial compliance with the requirements of
24 subsection 3 by affidavit signed by the teaching
25 parent on a form to be provided by the department. The
26 evidence shall include all of the following:
27 *a.* Documentation that the instructor is a teaching
28 parent as defined in subsection 2.
29 *b.* Documentation that the student is receiving
30 competent private instruction under section 299A.2
31 or the name of the school district within which the
32 student is receiving instruction under section 299A.3.
33 *c.* The name of the approved course completed by the
34 student.
35 *d.* An affidavit attesting to satisfactory
36 completion of course work and street or highway driving
37 instruction.
38 *e.* Copies of written tests completed by the
39 student.
40 *f.* A statement of the number of classroom hours of
41 instruction.
42 *g.* A log of completed street or highway driving
43 instruction including the dates when the lessons were
44 conducted, the student's and the teaching parent's name
45 and initials noted next to each entry, notes on driving
46 activities including a list of driving deficiencies and
47 improvements, and the duration of the driving time for
48 each session.
49 *5. Intermediate license.* Any student who
50 successfully completes an approved course as

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1 provided in this section, passes a driving test to
2 be administered by the department, and is otherwise
3 qualified under section 321.180B, subsection 2, shall
4 be eligible for an intermediate license pursuant
5 to section 321.180B. Twenty of the forty hours of
6 street or highway driving instruction required under
7 subsection 3, paragraph "a", subparagraph (2), may be
8 used to satisfy the requirement of section 321.180B,
9 subsection 2.

10 6. *Full license.* A student must comply with
11 section 321.180B, subsection 4, to be eligible for a
12 full driver's license pursuant to section 321.180B.

13 Sec. _____. Section 321.180B, subsection 2, paragraph
14 a, Code 2013, is amended to read as follows:

15 a. The department ~~may~~ shall issue an intermediate
16 driver's license to a person sixteen or seventeen years
17 of age who possesses an instruction permit issued
18 under subsection 1 or a comparable instruction permit
19 issued by another state for a minimum of six months
20 immediately preceding application, and who presents an
21 affidavit signed by a parent, guardian, or custodian
22 on a form to be provided by the department that the
23 permittee has accumulated a total of twenty hours of
24 street or highway driving of which two hours were
25 conducted after sunset and before sunrise and the
26 street or highway driving was with the permittee's
27 parent, guardian, custodian, instructor, a person
28 certified by the department, or a person at least
29 twenty-five years of age who had written permission
30 from a parent, guardian, or custodian to accompany
31 the permittee, and whose driving privileges have not
32 been suspended, revoked, or barred under this chapter
33 or chapter 321J during, and who has been accident
34 and violation free continuously for, the six-month
35 period immediately preceding the application for an
36 intermediate license. An applicant for an intermediate
37 license must meet the requirements of section
38 321.186, including satisfactory completion of driver
39 education as required in section 321.178 or 321.178A,
40 and payment of the required license fee before an
41 intermediate license will be issued. A person issued
42 an intermediate license must limit the number of
43 passengers in the motor vehicle when the intermediate
44 licensee is operating the motor vehicle to the number
45 of passenger safety belts.>

46 2. Title page, line 5, before <making> by inserting
47 <concerning driver education by a teaching parent;>
48 3. By renumbering as necessary.

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DOLECHECK of Ringgold



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House File 215

H-1017

1 Amend House File 215 as follows:

2 1. Page 48, after line 20 by inserting:

3 <DIVISION
4 SCHOOLS IN NEED OF ASSISTANCE GRANT PROGRAM AND FUNDING
5 Sec. _____. NEW SECTION. 256.24 Schools in need of
6 assistance grant program.

7 1. The department shall establish a schools in
8 need of assistance grant program to award funds to
9 not more than ten school districts annually to create
10 pilot projects designed to meet the needs of students
11 who are not proficient in reading or mathematics and
12 to involve the students' parents in supporting project
13 activities. Pilot project activities may include but
14 are not limited to establishing a longer school day,
15 longer school calendar, summer school, or intensive
16 reading and mathematics programs for such students.

17 2. The department shall develop grant application,
18 selection, and evaluation criteria. The priorities
19 for the grant funds shall include providing project
20 services on a voluntary basis to students deemed at
21 risk of not succeeding in reading or mathematics.
22 The department shall make every reasonable effort to
23 equitably distribute grant funds geographically among
24 rural and urban areas.

25 3. Each pilot project shall be conducted for a
26 minimum of one year, but may be conducted for multiple
27 school years as proposed by the applicant and approved
28 by the department.

29 4. The department shall submit progress reports
30 analyzing the status and preliminary findings of
31 the projects to the state board, the governor, and
32 the general assembly by January 15 annually. The
33 department shall summarize the projects' findings,
34 including student achievement results, and submit the
35 summary and any recommendations in a final report to
36 the state board, the governor, and the general assembly
37 by January 15, 2019.

38 5. This section is repealed effective June 30,
39 2018.

40 Sec. _____. Section 257.11, Code 2013, is amended by
41 adding the following new subsection:

42 NEW SUBSECTION. 7A. *Schools in need of assistance*
43 *competitive grant program.* Pupils who are eligible for
44 free and reduced price meals under the federal National
45 School Lunch Act and the federal Child Nutrition Act of
46 1966, 42 U.S.C. § 1751-1785, and who are enrolled in
47 a school district that is approved to create a pilot
48 project pursuant to section 256.24 shall receive a
49 supplemental weighting of one-tenth of one pupil. This
50 subsection is repealed effective June 30, 2018.>

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1 2. By renumbering as necessary.

WINCKLER of Scott



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House File 215

H-1018

1 Amend House File 215 as follows:
2 1. Page 48, after line 20 by inserting:
3 <DIVISION
4 EDUCATION SAVINGS GRANT PROGRAM
5 Sec. _____. Section 256.7, Code 2013, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 34. Adopt rules relating to
8 applications for an education savings grant pursuant
9 to section 257.11B, including application processing
10 timelines and information required to be submitted by a
11 parent or guardian.
12 Sec. _____. NEW SECTION. 257.11B Education savings
13 grant program.
14 1. Pupils eligible to enroll in grades kindergarten
15 through twelve and attending an accredited nonpublic
16 school or receiving competent private instruction
17 under chapter 299A shall be eligible to receive an
18 education savings grant in the manner provided in this
19 section for school years beginning on or after July 1,
20 2014. Education savings grants shall be available for
21 disbursement to parents and guardians for the payment
22 of qualified education expenses as provided in this
23 section.
24 2. a. (1) By January 31 preceding the school year
25 for which the education savings grant is requested, the
26 parent or guardian of the pupil requesting to receive
27 an education savings grant shall submit an application
28 to the department of education, on application forms
29 developed by the department, indicating that the
30 parent or guardian intends to enroll the pupil in
31 an accredited nonpublic school or provide competent
32 private instruction for the pupil under chapter 299A.
33 (2) In addition to such information deemed
34 appropriate by the department of education, the
35 application shall require certification from the
36 accredited nonpublic school of the pupil's enrollment
37 for the following school year or a statement indicating
38 the parent or guardian's intent to provide or arrange
39 for competent private instruction for the pupil for the
40 following school year.
41 b. By March 1 preceding the school year for
42 which the education savings grant is requested, the
43 department of education shall notify the department
44 of management of the number of pupils in each school
45 district designated for the following school year
46 to receive an education savings grant and the amount
47 of the education savings grant for each pupil. The
48 department of education shall also notify the parent
49 or guardian of such pupils who are approved to receive
50 an education savings grant.

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1 *c.* Education savings grants shall only be approved
2 for one school year and applications must be submitted
3 under paragraph "*a*" for education savings grants in
4 subsequent school years.
5 3. *a.* The department of management shall assign
6 each pupil an education savings grant in an amount
7 equal to the statewide average state foundation aid per
8 pupil in the same school year.
9 *b.* The department of management shall on July
10 1 following the determination of the amount of the
11 education savings grant for each approved pupil
12 transfer such amounts to the pupil's account in
13 the education savings grant fund established under
14 subsection 4. Such amount shall be available for
15 disbursement to the pupil's parent or guardian for the
16 payment of qualified educational expenses incurred by
17 such persons for the pupil during that school year.
18 4. An education savings grant fund is created in
19 the state treasury under the control of the department
20 of management consisting of moneys appropriated to
21 the department for the purpose of providing education
22 savings grants under this section. For the fiscal
23 year commencing July 1, 2014, and each succeeding
24 fiscal year, there is appropriated from the general
25 fund of the state to the department of management to
26 be credited to the fund the amount necessary to pay
27 all education savings grants approved for that fiscal
28 year. The director of the department of management has
29 all powers necessary to carry out and effectuate the
30 purposes, objectives, and provisions of this section
31 pertaining to the fund, including the power to do all
32 of the following:
33 *a.* Make and enter into contracts necessary for the
34 administration of the fund.
35 *b.* Procure insurance against any loss in connection
36 with the assets of the fund.
37 *c.* Make disbursements from a pupil's account within
38 the fund to the pupil's parents or guardians for the
39 payment or reimbursement of qualified educational
40 expenses.
41 *d.* Conduct audits or other review necessary to
42 properly administer the program.
43 *e.* Adopt rules pursuant to chapter 17A for the
44 administration of the fund and accounts within the
45 fund.
46 5. *a.* For each pupil approved for an education
47 savings grant, the department shall establish an
48 account for that pupil in the education savings grant
49 fund. The amount of the pupil's education savings
50 grant determined under subsection 3 shall be deposited

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1 into the pupil's account on July 1 and such amount
2 shall be immediately available for disbursement to
3 parents and guardians upon filing and approval of
4 claims from the pupil's account for qualified education
5 expenses incurred by the parent or guardian for the
6 pupil during that fiscal year.
7 **b.** A parent or guardian of a pupil may on forms
8 prescribed by the department of management submit
9 claims for disbursements of moneys within the account.
10 The department may by rule designate the appropriate
11 supporting documentation necessary for the disbursement
12 of moneys in an account including but not limited
13 to invoices of amounts due and receipts of amounts
14 paid for qualified education expenses. An accredited
15 nonpublic school or other entity that accepts payment
16 from a parent or guardian using funds from a pupil's
17 account in the education savings grant fund shall not
18 refund, rebate, or share any portion of such payment
19 with the parent, guardian, or pupil.
20 **c.** Moneys remaining in a pupil's account
21 upon conclusion of the fiscal year and following
22 disbursement of all claims submitted by the parent or
23 guardian before conclusion of the fiscal year shall
24 remain in the pupil's account within the education
25 savings grant fund for disbursement for qualified
26 educational expenses in future fiscal years or for
27 disbursement under subsection 8.
28 **6.** For purposes of this section, "*qualified*
29 *educational expense*" includes tuition and fees at an
30 accredited nonpublic school, textbooks, payment to a
31 licensed or accredited tutor, curriculum materials,
32 tuition or fees for nonpublic online education
33 programs, education materials and services for pupils
34 with disabilities, standardized test fees, fees
35 required by the department, and other expenses incurred
36 by the parent or guardian that are directly related to
37 the education of the pupil at an accredited nonpublic
38 school, including a nonpublic school accredited by
39 AdvancED or an organization with reciprocity with
40 AdvancED, the association of christian schools
41 international, christian schools international,
42 the national lutheran school accreditation, or the
43 independent schools association of the central states,
44 or directly related to providing competent private
45 instruction for the pupil under chapter 299A. The cost
46 of one computer or other portable computing device
47 shall be allowed as a qualified educational expense for
48 a pupil if such a purchase has not been claimed for
49 that pupil in either of the two immediately preceding
50 fiscal years. "*Qualified educational expenses*" do not

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1 include transportation costs for the pupil, the cost of
2 food or refreshments consumed by the pupil, or the cost
3 of disposable materials including but not limited to
4 paper, notebooks, pencils, pens, and art supplies.
5 7. A person who makes a false claim for the purpose
6 of obtaining an education savings grant provided for
7 in this section or who knowingly receives the grant
8 or receives a disbursement from an account within the
9 education savings grant fund without being legally
10 entitled to it is guilty of a fraudulent practice.
11 The false claim for an education savings grant or a
12 disbursement from an account shall be disallowed and
13 if amounts from the grant have been disbursed from
14 the applicable account in the education savings grant
15 fund, the department of management shall initiate
16 legal proceedings to recover such amounts. A parent
17 or guardian who violates this subsection is prohibited
18 from participating in the education savings grant
19 program in the future.
20 8. For each pupil with a positive balance in the
21 pupil's account in the education savings grant fund
22 upon graduation from high school, the department
23 of management shall maintain such account in the
24 fund until the pupil is twenty-five years of age.
25 Following graduation from high school until the pupil
26 is twenty-five years of age, moneys in the pupil's
27 account may be used for higher education costs, as
28 defined in section 12D.1, subsection 2. Disbursements
29 from a pupil's account for higher education costs shall
30 be claimed by and disbursed to the pupil. Claims and
31 disbursements for higher education costs under this
32 subsection shall be made in the same manner as claims
33 and disbursements for qualified educational expenses
34 under subsection 5. Moneys in a pupil's account
35 when the pupil turns twenty-five years of age shall
36 be transferred by the department for deposit in the
37 general fund of the state.
38 9. This section shall not be construed to authorize
39 this state or any political subdivision of this
40 state to exercise authority over any accredited
41 nonpublic school or pupil receiving competent private
42 instruction under chapter 299A or construed to require
43 an accredited nonpublic school to modify its admissions
44 or educational program in order to receive payment from
45 a parent or guardian using funds from a pupil's account
46 in the education savings grant fund. An accredited
47 nonpublic school or other entity that accepts payment
48 from a parent or guardian using funds from a pupil's
49 account in the education savings grant fund is not
50 an agent of this state or other political subdivision

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1 of this state. Rules adopted by the department to
2 implement this section that impose an undue burden on
3 an accredited nonpublic school are invalid.
4 Sec. _____. APPLICABILITY. This division of this
5 Act applies to school budget years and fiscal years
6 beginning on or after July 1, 2014.>
7 2. By renumbering as necessary.

FORRISTALL of Pottawattamie



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House File 215

H-1019

1 Amend House File 215 as follows:

2 1. Page 48, after line 20 by inserting:

3 <DIVISION _____

4 SCHOOL DISTRICT EXERCISE OF POWERS

5 Sec. _____. NEW SECTION. 274.3 Exercise of powers

6 — construction.

7 1. The board of directors of a school district
8 shall operate, control, and supervise all public
9 schools located within its district boundaries and may
10 exercise any broad and implied power related to the
11 operation, control, and supervision of those public
12 schools except as expressly prohibited or prescribed by
13 the Constitution of the State of Iowa or by statute.

14 2. Notwithstanding subsection 1, the board of
15 directors of a school district shall not have power to
16 levy any tax unless expressly authorized by the general
17 assembly.

18 3. This section shall not apply to a research and
19 development school as defined in section 256G.2 or to
20 a laboratory school as defined in section 265.1. The
21 board of directors of a school district in which such a
22 research and development school or laboratory school
23 is located shall not exercise over such a school any
24 powers granted to the board by subsection 1.

25 4. This chapter, chapter 257 and chapters 275
26 through 301, and other statutes relating to the
27 boards of directors of school districts and to school
28 districts shall be liberally construed to effectuate
29 the purposes of subsection 1.>

30 2. By renumbering as necessary.

BYRNES of Mitchell

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House File 215

H-1020

1 Amend House File 215 as follows:
2 1. Page 46, by striking lines 17 through 25.
3 2. Page 48, after line 20 by inserting:
4 <DIVISION _____
5 PRIVATE INSTRUCTION EXEMPTION
6 Sec. _____. Section 299.4, subsection 1, Code 2013,
7 is amended to read as follows:
8 1. The parent, guardian, or legal custodian of a
9 child who is of compulsory attendance age, who places
10 the child under competent private instruction under
11 ~~either section 299A.2 or 299A.3~~, not in an accredited
12 school or a home school assistance program operated by
13 a school district or accredited nonpublic school, shall
14 furnish a report in duplicate on forms provided by the
15 public school district, to the district by the earliest
16 starting date specified in section 279.10, subsection
17 1. The secretary shall retain and file one copy and
18 forward the other copy to the district's area education
19 agency. The report shall state the name and age of the
20 child, the period of time during which the child has
21 been or will be under competent private instruction
22 for the year, an outline of the course of study, texts
23 used, and the name and address of the instructor. The
24 parent, guardian, or legal custodian of a child, who is
25 placing the child under competent private instruction
26 for the first time, shall also provide the district
27 with evidence that the child has had the immunizations
28 required under section 139A.8, and, if the child is
29 elementary school age, a blood lead test in accordance
30 with section 135.105D. The term "*outline of course of*
31 *study*" shall include subjects covered, lesson plans,
32 and time spent on the areas of study.
33 Sec. _____. Section 299A.1, unnumbered paragraph 2,
34 Code 2013, is amended to read as follows:
35 For purposes of this chapter, "*competent private*
36 *instruction*" means private instruction provided on a
37 daily basis for at least one hundred forty-eight days
38 during a school year, to be met by attendance for at
39 least thirty-seven days each school quarter, by or
40 under the supervision of a licensed practitioner in the
41 manner provided under section 299A.2, ~~or other person~~
42 ~~under section 299A.3~~, which results in the student
43 making adequate progress.
44 Sec. _____. Section 299A.3, unnumbered paragraph 1,
45 Code 2013, is amended to read as follows:
46 A parent, guardian, or legal custodian of a child of
47 compulsory attendance age providing ~~competent~~ private
48 instruction to the child ~~shall~~ may meet all of the
49 following requirements:>
50 3. Title page, line 5, before <making> by inserting

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1 <providing for private instruction for students;>
2 4. By renumbering as necessary.

WINDSCHITL of Harrison



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House File 215

H-1021

1 Amend House File 215 as follows:

2 1. Page 48, after line 20 by inserting:

3 <DIVISION _____
4 INDEPENDENT PRIVATE INSTRUCTION

5 Sec. _____. Section 261E.8, subsection 2, Code 2013,
6 is amended to read as follows:

7 2. Students from accredited nonpublic schools and
8 students receiving competent private instruction or
9 independent private instruction under chapter 299A may
10 access the program through the school district in which
11 the accredited nonpublic school or private institution
12 is located.

13 Sec. _____. Section 299.1, subsection 1, Code 2013,
14 is amended to read as follows:

15 1. Except as provided in section 299.2, the parent,
16 guardian, or legal or actual custodian of a child
17 who is of compulsory attendance age, shall cause the
18 child to attend some public school, or an accredited
19 nonpublic school, or place the child under competent
20 private instruction or independent private instruction
21 in accordance with the provisions of chapter 299A,
22 during a school year, as defined under section 279.10.

23 Sec. _____. Section 299.1B, Code 2013, is amended to
24 read as follows:

25 **299.1B Failure to attend — driver's license.**

26 A person who is of compulsory attendance age who
27 does not meet the requirements for an exception under
28 section 299.2, who does not attend a public school, or
29 an accredited nonpublic school, who is not receiving
30 competent private instruction or independent private
31 instruction in accordance with the provisions of
32 chapter 299A, and who does not attend an alternative
33 school, or adult education classes, shall not receive
34 an intermediate or full driver's license until age
35 eighteen.

36 Sec. _____. Section 299.6A, subsection 1, Code 2013,
37 is amended to read as follows:

38 1. In lieu of a criminal proceeding under section
39 299.6, a county attorney may bring a civil action
40 against a parent, guardian, or legal or actual
41 custodian of a child who is of compulsory attendance
42 age, has not completed educational requirements, and
43 is truant, if the parent, guardian, or legal or actual
44 custodian has failed to cause the child to attend a
45 public school, or an accredited nonpublic school, or
46 placed the child under competent private instruction or
47 independent private instruction in the manner provided
48 in this chapter. If the court finds that the parent,
49 guardian, or legal or actual custodian has failed to
50 cause the child to attend as required in this section,

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1 the court shall assess a civil penalty of not less than
2 one hundred but not more than one thousand dollars for
3 each violation established.

4 Sec. _____. Section 299.8, Code 2013, is amended to
5 read as follows:

6 **299.8 "Truant" defined.**

7 Any child of compulsory attendance age who fails
8 to attend school as provided in this chapter, or as
9 required by the school board's or school governing
10 body's attendance policy, or who fails to attend
11 competent private instruction or independent private
12 instruction under chapter 299A, without reasonable
13 excuse for the absence, shall be deemed to be a truant.
14 A finding that a child is truant, however, shall not
15 by itself mean that the child is a child in need of
16 assistance within the meaning of chapter 232 and shall
17 not be the sole basis for a child in need of assistance
18 petition.

19 Sec. _____. Section 299.11, unnumbered paragraph 1,
20 Code 2013, is amended to read as follows:

21 The truancy officer may take into custody without
22 warrant any apparently truant child and place the
23 child in the charge of the school principal, or the
24 principal's designee, designated by the board of
25 directors of the school district in which the child
26 resides, or in the charge of any nonpublic school or
27 any authority providing competent private instruction
28 or independent private instruction as defined in
29 section 299A.1, designated by the parent, guardian, or
30 legal or actual custodian; but if it is other than a
31 public school, the instruction and maintenance of the
32 child shall be without expense to the school district.
33 If a child is taken into custody under this section,
34 the truancy officer shall make every reasonable attempt
35 to immediately notify the parent, guardian, or legal or
36 actual custodian of the child's location.

37 Sec. _____. Section 299.12, subsection 2, Code 2013,
38 is amended to read as follows:

39 2. This section is not applicable to a child
40 who is receiving competent private instruction or
41 independent private instruction in accordance with the
42 requirements of chapter 299A. If a child is not in
43 compliance with the attendance requirements established
44 under section 299.1, and has not completed educational
45 requirements through the sixth grade, and the school
46 has used every means available to assure the child
47 does attend, the school truancy officer shall contact
48 the child's parent, guardian, or legal or actual
49 custodian to participate in an attendance cooperation
50 meeting. The parties to the attendance cooperation

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1 meeting may include the child and shall include the
2 child's parent, guardian, or legal or actual custodian
3 and the school truancy officer. The school truancy
4 officer contacting the participants in the attendance
5 cooperation meeting may invite other school officials,
6 a designee of the juvenile court, the county attorney
7 or the county attorney's designee, or other persons
8 deemed appropriate to participate in the attendance
9 cooperation meeting.

10 Sec. _____. Section 299A.1, Code 2013, is amended to
11 read as follows:

12 **299A.1 Private Competent private instruction and**
13 **independent private instruction.**

14 1. The parent, guardian, or legal custodian of
15 a child of compulsory attendance age who places the
16 child under private instruction shall provide, unless
17 otherwise exempted, competent private instruction or
18 independent private instruction in accordance with this
19 chapter. A parent, guardian, or legal custodian of
20 a child of compulsory attendance age who places the
21 child under private instruction which is not competent
22 private instruction or independent private instruction,
23 or otherwise fails to comply with the requirements of
24 this chapter, is subject to the provisions of sections
25 299.1 through 299.4 and the penalties provided in
26 section 299.6.

27 2. For purposes of this chapter, ~~"competent and~~
28 ~~chapter 299:~~

29 ~~a. "Competent private instruction" means private~~
30 ~~instruction provided on a daily basis for at least~~
31 ~~one hundred forty-eight days during a school year, to~~
32 ~~be met by attendance for at least thirty-seven days~~
33 ~~each school quarter, by or under the supervision of~~
34 ~~a licensed practitioner in the manner provided under~~
35 ~~section 299A.2, or other person under section 299A.3,~~
36 ~~which results in the student making adequate progress.~~

37 ~~For purposes of this chapter and chapter 299,~~
38 ~~"private instruction"~~

39 ~~b. "Independent private instruction" means~~
40 ~~instruction that meets the following criteria:~~

- 41 ~~(1) Is not accredited.~~
- 42 ~~(2) Enrolls not more than four unrelated students.~~
- 43 ~~(3) Does not charge tuition, fees, or other~~
44 ~~remuneration for instruction.~~
- 45 ~~(4) Provides private or religious-based instruction~~
46 ~~as its primary purpose.~~
- 47 ~~(5) Provides enrolled students with instruction in~~
48 ~~mathematics, reading and language arts, science, and~~
49 ~~social studies.~~
- 50 ~~(6) Provides, upon written request from the~~

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1 superintendent of the school district in which the
2 independent private instruction is provided, or from
3 the director of the department of education, a report
4 identifying the primary instructor, location, name of
5 the authority responsible for the independent private
6 instruction, and the names of the students enrolled.
7 (7) Is not a nonpublic school and does not provide
8 competent private instruction as defined in this
9 subsection.
10 (8) Is exempt from all state statutes and
11 administrative rules applicable to a school, a school
12 board, or a school district, except as otherwise
13 provided in chapter 299 and this chapter.
14 c. "Private instruction" means instruction using a
15 plan and a course of study in a setting other than a
16 public or organized accredited nonpublic school.
17 Sec. _____. Section 299A.11, Code 2013, is amended to
18 read as follows:
19 **299A.11 Student records confidential.**
20 Notwithstanding any provision of law or rule to the
21 contrary, personal information in records regarding
22 a child receiving competent private instruction or
23 independent private instruction pursuant to this
24 chapter, which are maintained, created, collected,
25 or assembled by or for a state agency, shall be kept
26 confidential in the same manner as personal information
27 in student records maintained, created, collected, or
28 assembled by or for a school corporation or educational
29 institution in accordance with section 22.7, subsection
30 1.
31 Sec. _____. Section 321.178, subsection 1, paragraph
32 c, Code 2013, is amended to read as follows:
33 c. Every public school district in Iowa shall offer
34 or make available to all students residing in the
35 school district, or Iowa students attending a nonpublic
36 school or receiving competent private instruction
37 or independent private instruction as defined in
38 section 299A.1, in the district, an approved course
39 in driver education. The receiving district shall
40 be the school district responsible for making driver
41 education available to a student participating in
42 open enrollment under section 282.18. The courses may
43 be offered at sites other than at the public school,
44 including nonpublic school facilities within the public
45 school districts. An approved course offered during
46 the summer months, on Saturdays, after regular school
47 hours during the regular terms or partly in one term
48 or summer vacation period and partly in the succeeding
49 term or summer vacation period, as the case may be,
50 shall satisfy the requirements of this section to the

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1 same extent as an approved course offered during the
2 regular school hours of the school term. A student who
3 successfully completes and obtains certification in
4 an approved course in driver education or an approved
5 course in motorcycle education may, upon proof of such
6 fact, be excused from any field test which the student
7 would otherwise be required to take in demonstrating
8 the student's ability to operate a motor vehicle. A
9 student shall not be excused from any field test if a
10 parent, guardian, or instructor requests that a test be
11 administered. A final field test prior to a student's
12 completion of an approved course shall be administered
13 by a person qualified as a classroom driver education
14 instructor and certified to provide street and highway
15 driving instruction. A person qualified as a classroom
16 driver education instructor but not certified to
17 provide street and highway driving instruction may
18 administer the final field test if accompanied by
19 another person qualified to provide street and highway
20 driving instruction.>

21 2. Title page, line 5, after <schools;> by
22 inserting <providing for independent private
23 instruction for students;>

24 3. By renumbering as necessary.

DOLECHECK of Ringgold



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House File 215

H-1022

1 Amend House File 215 as follows:

2 1. Page 48, after line 20 by inserting:

3 <DIVISION _____

4 DRIVER EDUCATION BY TEACHING PARENT

5 Sec. _____. NEW SECTION. 321.178A Driver education
6 — teaching parent.

7 1. *Teaching parent.* As an alternative to the
8 driver education requirements under section 321.178,
9 a teaching parent may instruct a student in a driver
10 education course that meets the requirements of this
11 section and provide evidence that the requirements
12 under this section have been met.

13 2. *Definitions.* For purposes of this section:

14 a. *Approved course* means driver education
15 curriculum approved by the department pursuant to rules
16 adopted under chapter 17A. An approved course shall,
17 at a minimum, meet the requirements of subsection 3
18 and be appropriate for teaching-parent-directed driver
19 education and related street or highway instruction.
20 Driver education materials that meet or exceed
21 standards established by the department for an approved
22 course in driver education for a public or private
23 school shall be approved unless otherwise determined by
24 the department. The list of approved courses shall be
25 posted on the department's internet site.

26 b. *Student* means a person between the ages of
27 fourteen and twenty-one years who is within the custody
28 and control of the teaching parent and who satisfies
29 preliminary licensing requirements of the department.

30 c. *Teaching parent* means a parent, guardian,
31 or legal custodian of a student who is currently
32 providing competent private instruction to the student
33 pursuant to section 299A.2 or 299A.3 and who provided
34 such instruction to the student during the previous
35 year; who has a valid driver's license, other than a
36 motorized bicycle license or a temporary restricted
37 license, that permits unaccompanied driving; and
38 who has maintained a clear driving record for the
39 previous two years. For purposes of this paragraph,
40 *clear driving record* means the individual has not
41 been identified as a candidate for suspension or
42 revocation of a driver's license under the habitual
43 violator or habitual offender provisions of the
44 department's regulations; is not subject to a driver's
45 license suspension, revocation, denial, cancellation,
46 disqualification, or bar; and has no record of a
47 conviction for a moving traffic violation determined to
48 be the cause of a motor vehicle accident.

49 3. *Course of instruction.*

50 a. An approved course administered by a teaching

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1 parent shall consist of but not be limited to the
2 following:
3 (1) Thirty clock hours of classroom instruction.
4 (2) Forty hours of street or highway driving
5 including four hours of driving after sunset and before
6 sunrise while accompanied by the teaching parent.
7 (3) Four hours of classroom instruction concerning
8 substance abuse.
9 (4) A minimum of twenty minutes of instruction
10 concerning railroad crossing safety.
11 (5) Instruction relating to becoming an organ
12 donor under the revised uniform anatomical gift Act as
13 provided in chapter 142C.
14 (6) Instruction providing an awareness about
15 sharing the road with bicycles and motorcycles.
16 b. The content of the course of instruction
17 required under this subsection shall be equivalent
18 to that required under section 321.178. However,
19 reference and study materials, physical classroom
20 requirements, and extra vehicle safety equipment
21 required for instruction under section 321.178 shall
22 not be required for the course of instruction provided
23 under this section.
24 4. *Course completion and certification.* Upon
25 application by a student for an intermediate license,
26 the teaching parent shall provide evidence showing
27 the student's completion of an approved course and
28 substantial compliance with the requirements of
29 subsection 3 by affidavit signed by the teaching
30 parent on a form to be provided by the department. The
31 evidence shall include all of the following:
32 a. Documentation that the instructor is a teaching
33 parent as defined in subsection 2.
34 b. Documentation that the student is receiving
35 competent private instruction under section 299A.2
36 or the name of the school district within which the
37 student is receiving instruction under section 299A.3.
38 c. The name of the approved course completed by the
39 student.
40 d. An affidavit attesting to satisfactory
41 completion of course work and street or highway driving
42 instruction.
43 e. Copies of written tests completed by the
44 student.
45 f. A statement of the number of classroom hours of
46 instruction.
47 g. A log of completed street or highway driving
48 instruction including the dates when the lessons were
49 conducted, the student's and the teaching parent's name
50 and initials noted next to each entry, notes on driving

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1 activities including a list of driving deficiencies and
2 improvements, and the duration of the driving time for
3 each session.

4 5. *Intermediate license.* Any student who
5 successfully completes an approved course as
6 provided in this section, passes a driving test to
7 be administered by the department, and is otherwise
8 qualified under section 321.180B, subsection 2, shall
9 be eligible for an intermediate license pursuant
10 to section 321.180B. Twenty of the forty hours of
11 street or highway driving instruction required under
12 subsection 3, paragraph "a", subparagraph (2), may be
13 used to satisfy the requirement of section 321.180B,
14 subsection 2.

15 6. *Full license.* A student must comply with
16 section 321.180B, subsection 4, to be eligible for a
17 full driver's license pursuant to section 321.180B.

18 Sec. _____. Section 321.180B, subsection 2, paragraph
19 a, Code 2013, is amended to read as follows:

20 a. The department ~~may~~ shall issue an intermediate
21 driver's license to a person sixteen or seventeen years
22 of age who possesses an instruction permit issued
23 under subsection 1 or a comparable instruction permit
24 issued by another state for a minimum of six months
25 immediately preceding application, and who presents an
26 affidavit signed by a parent, guardian, or custodian
27 on a form to be provided by the department that the
28 permittee has accumulated a total of twenty hours of
29 street or highway driving of which two hours were
30 conducted after sunset and before sunrise and the
31 street or highway driving was with the permittee's
32 parent, guardian, custodian, instructor, a person
33 certified by the department, or a person at least
34 twenty-five years of age who had written permission
35 from a parent, guardian, or custodian to accompany
36 the permittee, and whose driving privileges have not
37 been suspended, revoked, or barred under this chapter
38 or chapter 321J during, and who has been accident
39 and violation free continuously for, the six-month
40 period immediately preceding the application for an
41 intermediate license. An applicant for an intermediate
42 license must meet the requirements of section
43 321.186, including satisfactory completion of driver
44 education as required in section 321.178 or 321.178A,
45 and payment of the required license fee before an
46 intermediate license will be issued. A person issued
47 an intermediate license must limit the number of
48 passengers in the motor vehicle when the intermediate
49 licensee is operating the motor vehicle to the number
50 of passenger safety belts.>

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- 1 2. Title page, line 5, before <making> by inserting
- 2 <concerning driver education by a teaching parent;>
- 3 3. By renumbering as necessary.

WINDSCHITL of Harrison



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House File 215

H-1023

1 Amend House File 215 as follows:

2 1. Page 25, line 10, by striking <thirty-two> and
3 inserting <forty-five>

4 2. Page 36, after line 17 by inserting:

5 <(8) (a) Notwithstanding subparagraph (5),
6 for the fiscal year beginning July 1, 2014, and the
7 fiscal year beginning July 1, 2015, in distributing
8 the moneys allocated to the department pursuant to
9 subparagraph (1), subparagraph divisions (b) and (c),
10 to school districts, the department shall give first
11 priority to school districts that have not received
12 approval to implement a framework or comparable system
13 as provided in this section in order to bring the
14 salaries of teachers employed by those districts up
15 to the minimum salary for an Iowa teacher established
16 pursuant to section 284.15, subsection 2, paragraph
17 "a", subparagraph (1). A school district that has
18 not received approval to implement a framework or
19 comparable system as provided in section 284.15 shall
20 certify to the department of education by October 1 the
21 names of all teachers employed by the district whose
22 regular compensation is less than forty-five thousand
23 dollars per year for the respective school year and
24 the amounts needed as minimum salary supplements. The
25 minimum salary supplement for each eligible teacher is
26 the total of the difference between forty-five thousand
27 dollars and the teacher's regular compensation plus
28 the amount required to pay the employer's share of
29 contributions under the federal social security and
30 Iowa public employees' retirement system, or under a
31 pension and annuity retirement system established under
32 chapter 294, on the additional salary moneys. The
33 school district shall report the salaries of teachers
34 employed on a less than full-time equivalent basis, and
35 the amount of the minimum salary supplement shall be
36 prorated.

37 (b) Moneys remaining after distribution pursuant
38 to subparagraph division (a) shall be distributed as
39 provided in subparagraph (5).

40 (c) This subparagraph is repealed July 1, 2016.>

41 3. Page 38, line 3, by striking <The> and inserting
42 <Beginning July 1, 2014, the>

43 4. Page 38, line 8, by striking <thirty-two> and
44 inserting <forty-five>

45 5. By renumbering as necessary.

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House File 215

H-1024

1 Amend House File 215 as follows:

- 2 1. Page 25, line 10, by striking <thirty-two> and
3 inserting <thirty-five>
4 2. Page 36, after line 17 by inserting:
5 <(8) (a) Notwithstanding subparagraph (5),
6 for the fiscal year beginning July 1, 2014, and the
7 fiscal year beginning July 1, 2015, in distributing
8 the moneys allocated to the department pursuant to
9 subparagraph (1), subparagraph divisions (b) and (c),
10 to school districts, the department shall give first
11 priority to school districts that have not received
12 approval to implement a framework or comparable system
13 as provided in this section in order to bring the
14 salaries of teachers employed by those districts up
15 to the minimum salary for an Iowa teacher established
16 pursuant to section 284.15, subsection 2, paragraph
17 "a", subparagraph (1). A school district that has
18 not received approval to implement a framework or
19 comparable system as provided in section 284.15 shall
20 certify to the department of education by October 1 the
21 names of all teachers employed by the district whose
22 regular compensation is less than thirty-five thousand
23 dollars per year for the respective school year and
24 the amounts needed as minimum salary supplements. The
25 minimum salary supplement for each eligible teacher
26 is the total of the difference between thirty-five
27 thousand dollars and the teacher's regular compensation
28 plus the amount required to pay the employer's share
29 of contributions under the federal social security and
30 Iowa public employees' retirement system, or under a
31 pension and annuity retirement system established under
32 chapter 294, on the additional salary moneys. The
33 school district shall report the salaries of teachers
34 employed on a less than full-time equivalent basis, and
35 the amount of the minimum salary supplement shall be
36 prorated.
37 (b) Moneys remaining after distribution pursuant
38 to subparagraph division (a) shall be distributed as
39 provided in subparagraph (5).
40 (c) This subparagraph is repealed July 1, 2016.>
41 3. Page 38, line 3, by striking <The> and inserting
42 <Beginning July 1, 2014, the>
43 4. Page 38, line 8, by striking <thirty-two> and
44 inserting <thirty-five>
45 5. By renumbering as necessary.

WINCKLER of Scott

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Iowa General Assembly
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House File 215

H-1025

1 Amend House File 215 as follows:

2 1. Page 25, line 10, by striking <thirty-two> and
3 inserting <forty>

4 2. Page 36, after line 17 by inserting:

5 <(8) (a) Notwithstanding subparagraph (5),
6 for the fiscal year beginning July 1, 2014, and the
7 fiscal year beginning July 1, 2015, in distributing
8 the moneys allocated to the department pursuant to
9 subparagraph (1), subparagraph divisions (b) and (c),
10 to school districts, the department shall give first
11 priority to school districts that have not received
12 approval to implement a framework or comparable system
13 as provided in this section in order to bring the
14 salaries of teachers employed by those districts up
15 to the minimum salary for an Iowa teacher established
16 pursuant to section 284.15, subsection 2, paragraph
17 "a", subparagraph (1). A school district that has
18 not received approval to implement a framework or
19 comparable system as provided in section 284.15 shall
20 certify to the department of education by October 1
21 the names of all teachers employed by the district
22 whose regular compensation is less than forty thousand
23 dollars per year for the respective school year and
24 the amounts needed as minimum salary supplements. The
25 minimum salary supplement for each eligible teacher
26 is the total of the difference between forty thousand
27 dollars and the teacher's regular compensation plus
28 the amount required to pay the employer's share of
29 contributions under the federal social security and
30 Iowa public employees' retirement system, or under a
31 pension and annuity retirement system established under
32 chapter 294, on the additional salary moneys. The
33 school district shall report the salaries of teachers
34 employed on a less than full-time equivalent basis, and
35 the amount of the minimum salary supplement shall be
36 prorated.

37 (b) Moneys remaining after distribution pursuant
38 to subparagraph division (a) shall be distributed as
39 provided in subparagraph (5).

40 (c) This subparagraph is repealed July 1, 2016.>

41 3. Page 38, line 3, by striking <The> and inserting
42 <Beginning July 1, 2014, the>

43 4. Page 38, line 8, by striking <thirty-two> and
44 inserting <forty>

45 5. By renumbering as necessary.

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House File 215

H-1026

- 1 Amend House File 215 as follows:
2 1. Page 48, after line 20 by inserting:
3 <DIVISION _____
4 IOWA EARLY INTERVENTION BLOCK GRANT PROGRAM —
5 EXTENSION
6 <Sec. _____. Section 256D.9, Code 2013, is amended to
7 read as follows:
8 **256D.9 Future repeal.**
9 This chapter is repealed effective July 1, ~~2013~~
10 ~~2018~~.
11 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
12 of this Act, being deemed of immediate importance,
13 takes effect upon enactment.>
14 2. By renumbering as necessary.

STECKMAN of Cerro Gordo



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House File 215

H-1027

1 Amend House File 215 as follows:

2 1. Page 21, line 28, after <MATTERS> by inserting
3 <— ALLOWABLE GROWTH>

4 2. Page 22, by striking line 27 and inserting:

5 <Sec. _____. Section 257.8, subsections 1 and 2, Code
6 2013, are amended>

7 3. Page 22, after line 28 by inserting:

8 <1. *State percent of growth.* ~~The state percent~~
9 ~~of growth for the budget year beginning July 1, 2010,~~
10 ~~is two percent.~~ The state percent of growth for the
11 budget year beginning July 1, 2012, is two percent.
12 The state percent of growth for the budget year
13 beginning July 1, 2013, is four percent. The state
14 percent of growth for the budget year beginning July
15 1, 2014, is four percent. The state percent of growth
16 for each subsequent budget year shall be established
17 by statute which shall be enacted within thirty days
18 of the submission in the year preceding the base year
19 of the governor's budget under section 8.21. The
20 establishment of the state percent of growth for a
21 budget year shall be the only subject matter of the
22 bill which enacts the state percent of growth for a
23 budget year.>

24 4. By striking page 22, line 29, through page 23,
25 line 6, and inserting:

26 <2. *Categorical state percent of growth.* ~~The~~
27 ~~categorical state percent of growth for the budget~~
28 ~~year beginning July 1, 2010, is two percent.~~ The
29 categorical state percent of growth for the budget
30 year beginning July 1, 2012, is two percent. The
31 categorical state percent of growth for the budget
32 year beginning July 1, 2013, is four percent. The
33 categorical state percent of growth for the budget
34 year beginning July 1, 2014, is four percent. The
35 categorical state percent of growth for each budget
36 year shall be established by statute which shall
37 be enacted within thirty days of the submission in
38 the year preceding the base year of the governor's
39 budget under section 8.21. The establishment of the
40 categorical state percent of growth for a budget year
41 shall be the only subject matter of the bill which
42 enacts the categorical state percent of growth for a
43 budget year. The categorical state percent of growth
44 may include state percents of growth for the teacher
45 salary supplement, the>

46 5. Page 46, after line 25 by inserting:

47 <Sec. _____. CODE SECTION 257.8 — IMPLEMENTATION.

48 The requirements of section 257.8 regarding enactment
49 of the regular program state percent of growth and
50 categorical state percent of growth within thirty days

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1 of the submission in the year preceding the base year
2 of the governor's budget and the requirements that the
3 subject matter of each bill establishing the state
4 percent of growth or the categorical state percent
5 of growth be the only subject matter of the bill do
6 not apply to the section of this division of this Act
7 amending section 257.8.>
8 6. Page 46, after line 30 by inserting:
9 <Sec. _____. EFFECTIVE UPON ENACTMENT. The section
10 of this division of this Act amending section 257.8,
11 being deemed of immediate importance, takes effect upon
12 enactment.>
13 7. Page 46, after line 35 by inserting:
14 <Sec. _____. APPLICABILITY. The section of this
15 division of this Act amending section 257.8 is
16 applicable for computing state aid under the state
17 school foundation program for the school budget year
18 beginning July 1, 2013, and for the school budget year
19 beginning July 1, 2014.>
20 8. By renumbering as necessary.

STECKMAN of Cerro Gordo

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House File 215

H-1028

1 Amend House File 215 as follows:

2 1. Page 47, after line 2 by inserting:

3 <Sec. _____. COMPETENCY-BASED EDUCATION TASK

4 FORCE RECOMMENDATIONS — APPROPRIATION. There is

5 appropriated from the general fund of the state to the

6 department of education for the fiscal year beginning

7 July 1, 2013, and ending June 30, 2014, the following

8 amount, or so much thereof as is necessary, to be used

9 for the purposes designated:

10 For purposes of accomplishing the recommendations of

11 the competency-based education task force established

12 pursuant to 2012 Iowa Acts, chapter 1119, section 2,

13 relating to the development of model competencies

14 and the creation of professional development for

15 pre-service and in-service for practitioners:

16 \$ 200,000

17 The competency-based education task force shall

18 select area education agencies with which it will

19 collaborate to develop model competencies and

20 professional development for pre-service and in-service

21 practitioners. Moneys appropriated in this section

22 shall be transferred to the area education agencies

23 selected for collaboration by the task force. Of the

24 moneys appropriated in this section, not more than

25 \$100,000 shall be used for the development of model

26 competencies and not more than \$100,000 shall be

27 used for the creation of professional development for

28 pre-service and in-service practitioners.>

29 2. Page 47, after line 8 by inserting:

30 <Sec. _____. COMPETENCY-BASED EDUCATION TASK FORCE —

31 SPRING 2013. The competency-based education task force

32 is encouraged to complete by June 1, 2013, its efforts

33 relating to the development of a common language and

34 vision for competency-based education and a shared

35 operational definition of competency; conducting a

36 review of current policies, administrative rules, and

37 education and para-educational practices that may block

38 optimal implementation of competency-based education;

39 and establishing a team collaboration with higher

40 education institutions to support smooth transitions

41 for students with competency-based educational

42 experiences in high school, to facilitate entrance

43 into postsecondary institutions, and to work toward

44 instituting training for pre-service practitioners in

45 competency-based environments.>

46 3. Page 47, by striking lines 9 through 11 and

47 inserting:

48 <Sec. _____. EFFECTIVE UPON ENACTMENT. The following

49 provision or provisions of this division of this Act,

50 being deemed of immediate importance, take effect upon

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1 enactment:

2 1. The section of this Act amending 2012 Iowa Acts,
3 chapter 1119.

4 2. The section of this Act relating to the spring
5 2013 efforts of the competency-based education task
6 force.>

7 4. By renumbering as necessary.

WINCKLER of Scott



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House File 215

H-1029

1 Amend House File 215 as follows:

2 1. By striking page 4, line 12, through page 6,
3 line 1.

4 2. Page 6, before line 2 by inserting:

5 <Sec. _____. Section 261.112, Code 2013, is amended
6 to read as follows:

7 **261.112 Teacher shortage loan forgiveness program.**

8 1. A teacher shortage loan forgiveness program is
9 established to provide loan forgiveness to eligible
10 teachers. The program shall be administered by the
11 commission. A teacher is eligible for the program if
12 the teacher is practicing in Iowa in a teacher shortage
13 high-demand area as designated by the department of
14 education pursuant to subsection 2.

15 2. For purposes of this section, "~~teacher~~":

16 a. "Department" means the department of education.

17 b. "High-demand area" includes but is not limited
18 to the fields of science, technology, engineering,
19 mathematics, special education, English as a second
20 language instruction, and other high-demand areas
21 identified by the department.

22 c. "Teacher" means an individual holding a
23 practitioner's license issued under chapter 272,
24 who is employed in a nonadministrative position in
25 a designated shortage high-demand area by a school
26 district or area education agency pursuant to a
27 contract issued by a board of directors under section
28 279.13.

29 ~~2.~~ 3. The director of the department of education
30 shall annually ~~designate the geographic or subject~~
31 ~~areas experiencing teacher shortages. The director~~
32 ~~shall periodically~~ conduct a survey of school
33 districts, accredited nonpublic schools, and approved
34 practitioner preparation programs to determine current
35 ~~shortage high-demand areas. Based on the results of~~
36 the survey and any other criteria established by the
37 department, the director shall annually designate
38 high-demand areas for the purposes of this section and
39 notify the commission of the areas designated.

40 ~~3.~~ 4. Each applicant for loan forgiveness shall,
41 in accordance with the rules of the commission, do the
42 following:

43 a. Complete and file an application for teacher
44 shortage loan forgiveness. The individual shall
45 be responsible for the prompt submission of any
46 information required by the commission.

47 b. File a new application and submit information
48 as required by the commission annually on the basis of
49 which the applicant's eligibility for the renewed loan
50 forgiveness will be evaluated and determined.

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1 c. Complete and return on a form approved by the
2 commission an affidavit of practice verifying that the
3 applicant is a teacher in ~~an eligible teacher shortage~~
4 ~~a high-demand area.~~
5 5. The commission shall give priority to eligible
6 applicants who graduated from an Iowa high school.
7 ~~4- 6. The annual amount of teacher an eligible~~
8 ~~teacher's shortage loan forgiveness shall not exceed~~
9 ~~the resident tuition rate established for institutions~~
10 ~~of higher learning governed by the state board of~~
11 ~~regents for the first year following the teacher's~~
12 ~~graduation from an approved practitioner preparation~~
13 ~~program, or twenty percent of the teacher's total~~
14 ~~federally guaranteed Stafford loan amount under the~~
15 ~~federal family education loan program or the federal~~
16 ~~direct loan program, including principal and interest,~~
17 ~~whichever amount is less. A teacher shall be eligible~~
18 ~~for the loan forgiveness program for not more than five~~
19 ~~years. However, practice by an eligible teacher in a~~
20 ~~teacher shortage area pursuant to subsection 1 must be~~
21 ~~completed within ten years following graduation from~~
22 ~~the approved practitioner preparation program.~~
23 7. Each year, prior to signing agreements with
24 eligible applicants for the program, the commission
25 shall encumber funding necessary to fulfill remaining
26 obligations to teachers previously awarded loan
27 forgiveness under the program. The commission shall
28 establish criteria for awarding loan forgiveness if
29 awards for all new eligible applicants cannot be funded
30 after fulfilling such remaining obligations.
31 8. A teacher receiving loan forgiveness under the
32 program shall notify the commission of the teacher's
33 employment status within thirty days following
34 termination of the teacher's employment as a teacher
35 practicing in a high-demand area, unless the teacher
36 is pursuing the procedures provided by sections 279.15
37 through 279.18.
38 ~~5- 9. A teacher shortage loan forgiveness~~
39 ~~repayment fund is created in the state treasury for~~
40 ~~deposit of moneys appropriated to or received by the~~
41 ~~commission for use under the program. Notwithstanding~~
42 ~~section 8.33, moneys deposited in the fund shall not~~
43 ~~revert to any fund of the state at the end of any~~
44 ~~fiscal year but shall remain in the loan forgiveness~~
45 ~~repayment fund and be continuously available for loan~~
46 ~~forgiveness under the program. Notwithstanding section~~
47 ~~12C.7, subsection 2, interest or earnings on moneys~~
48 ~~deposited in the fund shall be credited to the fund.~~
49 ~~6- 10. The commission shall submit in a report to~~
50 ~~the general assembly by January 1, annually, the number~~

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1 of individuals who received loan forgiveness pursuant
2 to this section, which ~~shortage~~ high-demand areas the
3 teachers taught in, the amount paid to each program
4 participant, and other information identified by the
5 commission as indicators of outcomes from the program.
6 ~~7.~~ 11. The commission shall adopt rules pursuant
7 to chapter 17A to administer this section.>
8 3. Page 6, by striking lines 19 and 20 and
9 inserting <aid commission for deposit in the teacher
10 shortage loan forgiveness repayment fund created by
11 section 261.112, subsection 9.>
12 4. Page 7, by striking lines 10 and 11 and
13 inserting <aid commission for deposit in the teacher
14 shortage loan forgiveness repayment fund created by
15 section 261.112, subsection 9.>
16 5. Page 7, by striking lines 19 through 32.
17 6. By renumbering as necessary.

WINCKLER of Scott



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House File 215

H-1030

- 1 Amend House File 215 as follows:
- 2 1. Page 12, by striking lines 23 and 24 and
- 3 inserting:
- 4 <(18) The Iowa state education association.>
- 5 2. Page 20, line 13, by striking <a certified
- 6 employee> and inserting <the largest statewide>
- 7 3. By renumbering as necessary.

HANSON of Jefferson



Iowa General Assembly
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House File 215

H-1031

- 1 Amend House File 215 as follows:
- 2 1. Page 26, line 16, by striking <1, 7,> and
- 3 inserting <1>
- 4 2. By striking page 26, line 32, through page 27,
- 5 line 4.
- 6 3. By renumbering as necessary.

WINCKLER of Scott



Iowa General Assembly
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House File 215

H-1032

1 Amend House File 215 as follows:

2 1. Page 13, after line 23 by inserting:

3 <Sec. _____. IOWA COMMON CORE STANDARDS

4 IMPLEMENTATION PLAN — WORKGROUP. The department
5 of education and the area education agencies shall
6 collaborate to establish an Iowa common core standards
7 implementation plan workgroup to develop the scope and
8 sequence of the implementation of the Iowa core for
9 English language arts and mathematics. The workgroup
10 shall submit its findings and recommendations to the
11 state board of education, the governor, and the general
12 assembly by January 15, 2014.

13 Sec. _____. EFFECTIVE UPON ENACTMENT. The following
14 provision or provisions of this division of this Act,
15 being deemed of immediate importance, take effect upon
16 enactment:

17 1. The section of this Act providing for the
18 establishment of the Iowa common core standards
19 implementation plan workgroup.>

20 2. By renumbering as necessary.

WINCKLER of Scott



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House File 215

H-1033

1 Amend House File 215 as follows:

2 1. Page 1, by striking lines 2 through 33 and
3 inserting:

4 <IOWA LEARNING ONLINE INITIATIVE — APPROPRIATIONS

5 Section 1. Section 256.7, subsection 32, paragraph
6 a, Code 2013, is amended to read as follows:

7 a. Adopt rules for online learning in accordance
8 with sections 256.41, ~~256.42~~, and 256.43, and criteria
9 for waivers granted pursuant to section ~~256.42~~ 273.28.

10 Sec. _____. NEW SECTION. 273.28 Iowa learning online
11 initiative.

12 1. An Iowa learning online initiative is
13 established to be administered by the area education
14 agencies to partner with school districts and
15 accredited nonpublic schools to provide distance
16 education to high school students statewide. The area
17 education agencies shall utilize a variety of content
18 repositories, including those maintained by the public
19 broadcasting division, in administering the initiative.

20 2. The initiative shall include an online learning
21 program model designed to prepare teachers to meet the
22 needs of students in an online learning environment,
23 including but not limited to building community
24 interaction and support, developing strategies for
25 working with virtual students, and assessing virtual
26 students.

27 3. Coursework offered under the initiative
28 shall be taught by a teacher licensed
29 under chapter 272 who has completed an
30 online-learning-for-Iowa-educators-professional-
31 development project offered by area education agencies,
32 a teacher preservice program, or comparable coursework.

33 4. Each participating school district and
34 accredited nonpublic school shall submit its online
35 curricula to its area education agency for review.
36 Each participating school district and accredited
37 nonpublic school shall include in its comprehensive
38 school improvement plan submitted pursuant to section
39 256.7, subsection 21, a list and description of the
40 online coursework offered by the district.

41 5. Under the initiative, students must be enrolled
42 in a participating school district or accredited
43 nonpublic school, which is responsible for recording
44 grades received for initiative coursework in a
45 student's permanent record, awarding high school credit
46 for initiative coursework, and issuing high school
47 diplomas to students enrolled in the district or school
48 who participate and complete coursework under the
49 initiative. Each participating school shall identify a
50 site coordinator to serve as a student advocate and as

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1 a liaison between the initiative staff and teachers and
2 the school district or accredited nonpublic school.
3 6. Coursework offered under the initiative shall
4 be rigorous and high quality, and the area education
5 agencies shall annually evaluate the quality of the
6 courses, ensure that coursework is aligned with the
7 state's core curriculum and core content requirements
8 and standards, as well as national standards of
9 quality for online courses issued by an internationally
10 recognized association for kindergarten through grade
11 twelve online learning.
12 7. The department may waive for one year the
13 provisions of section 256.11, subsection 5, which
14 require that specified subjects be offered and taught
15 by professional staff of a school district or school,
16 if the school district or school makes every reasonable
17 and good faith effort to employ a teacher licensed
18 under chapter 272 for such a subject, and the school
19 district or school proves to the satisfaction of the
20 department that the school district or school is unable
21 to employ such a teacher. The specified subject shall
22 be provided by the initiative.
23 8. There is appropriated from the general fund of
24 the state to the department, for the following fiscal
25 years, the following amounts, to be transferred to the
26 area education agencies to be used for administering
27 this section:
28 a. For the fiscal year beginning July 1, 2013,
29 and ending June 30, 2014, the sum of one million five
30 hundred thousand dollars.
31 b. For the fiscal year beginning July 1, 2014,
32 and ending June 30, 2015, the sum of one million five
33 hundred thousand dollars.
34 c. For the fiscal year beginning July 1, 2015,
35 and ending June 30, 2016, the sum of one million five
36 hundred thousand dollars.
37 Sec. 2. REPEAL. Section 256.42, Code 2013, is
38 repealed.>
39 2. By renumbering as necessary.

MASCHER of Johnson

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House File 215

H-1034

1 Amend House File 215 as follows:

2 1. Page 48, after line 20 by inserting:

3 <DIVISION _____

4 SPECIFIC CRITERIA FOR TEACHER PREPARATION

5 Sec. _____. Section 256.16, subsection 1, paragraph
6 a, subparagraph (2), Code 2013, is amended to read as
7 follows:

8 (2) ~~Administer, prior to a student's completion of~~
9 ~~the practitioner preparation program and subject to~~
10 ~~the director's approval,~~ subject assessments designed
11 by a nationally recognized testing service that
12 measure pedagogy and knowledge of at least one subject
13 area; or, a valid and reliable ~~subject-area-specific~~
14 discipline-specific, performance-based assessment for
15 preservice teacher candidates, centered on student
16 learning. ~~A~~ The student may select either the subject
17 assessments or the performance-based assessment,
18 but shall not successfully complete graduate from
19 the program unless the student achieves scores
20 above the twenty-fifth percentile nationally on the
21 successfully passes either of the assessments, subject
22 or performance-based, administered pursuant to this
23 subparagraph.

24 Sec. _____. Section 256.16, subsection 1, Code 2013,
25 is amended by adding the following new paragraph:

26 NEW PARAGRAPH. d. Work with the board of
27 educational examiners to develop valid and reliable
28 pathways to licensure by subject area which a student
29 enrolled in the program may elect to pursue.

30 Sec. _____. Section 256.16, Code 2013, is amended by
31 adding the following new subsection:

32 NEW SUBSECTION. 3. a. A council on pathways
33 to licensure is established, administratively
34 attached to the board of educational examiners, to
35 identify appropriate levels of proficiency in each
36 licensure pathway developed pursuant to subsection 1,
37 paragraph "d" and to periodically review the levels of
38 proficiency in each licensure pathway. The council
39 shall consist of the director of the department
40 of education, or the director's designee, and the
41 remaining members shall be appointed by the executive
42 director of the board of educational examiners as
43 follows:

44 (1) Three members who shall represent accredited
45 private institutions offering practitioner preparation
46 programs approved pursuant to section 256.7, subsection
47 3.

48 (2) Three members who shall represent institutions
49 of higher learning governed by the state board of
50 regents offering practitioner preparation programs

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1 approved pursuant to section 256.7, subsection 3.
2 **b.** Members appointed pursuant to paragraph "a",
3 subparagraphs (1) and (2) shall serve staggered
4 four-year terms. A vacancy shall be filled in the same
5 manner as the original appointment and shall be for the
6 remainder of the unexpired term of the vacancy. The
7 council shall elect a chairperson and vice chairperson.
8 The council shall meet regularly as determined by
9 the council, upon the call of the chairperson, or
10 upon the call of a majority of the members. Members
11 shall be reimbursed for actual and necessary expenses
12 incurred in performance of their duties. The board of
13 educational examiners shall provide staff assistance
14 and administrative support to the council.
15 **c.** The council shall assist the board of
16 educational examiners and the state board in resolving
17 issues which are directly related to pathways to
18 licensure and practitioner preparation programs. The
19 council shall formulate recommendations on any issue
20 referred to it by the board of educational examiners or
21 the state board and shall submit its recommendations
22 to both boards within any specified time periods. The
23 council shall submit an annual report with its findings
24 and recommendations, including any recommendations for
25 changes in law or policy, to the board of educational
26 examiners, the state board, the governor, and the
27 general assembly by January 15.
28 **Sec. ____.** COUNCIL ON PATHWAYS TO LICENSURE —
29 INITIAL RECOMMENDATIONS — INITIAL MEMBERSHIP TERMS.
30 1. Notwithstanding section 256.16, subsection 3,
31 paragraph "c", the council on pathways to licensure
32 shall submit an initial report, including its findings
33 and recommendations for changes in law or policy, by
34 November 15, 2013, to the state board of education,
35 the board of educational examiners, the governor, and
36 general assembly, and shall submit its first annual
37 report to the state board of education, the board
38 of educational examiners, the governor, and general
39 assembly by January 15, 2015.
40 2. Initial appointments to the council on pathways
41 to licensure made pursuant to section 256.16,
42 subsection 3, paragraph "a", subparagraphs (1) and (2)
43 shall be for terms as follows: Two members shall be
44 appointed for two-year terms, two members shall be
45 appointed for three-year terms, and two members shall
46 be appointed for four-year terms.>
47 2. By renumbering as necessary.

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WINCKLER of Scott



Iowa General Assembly
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House File 215

H-1035

- 1 Amend House File 215 as follows:
- 2 1. By striking page 13, line 24, through page 21,
- 3 line 26.
- 4 2. By renumbering as necessary.

MASCHER of Johnson



Iowa General Assembly
Daily Bills, Amendments and Study Bills
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House File 215

H-1036

1 Amend House File 215 as follows:

- 2 1. Page 29, by striking lines 27 through 28 and
3 inserting: <educational programs and assess student
4 learning, or to engage in peer review pursuant to
5 section 284.8, subsection 1. The>
6 2. By striking page 30, line 28, through page 31,
7 line 11, and inserting <parents, students, and other
8 teachers. The first and second year of review shall be
9 conducted by a peer group of teachers. The peer group
10 shall review all of the peer group members. Peer group
11 reviews shall be formative and shall be conducted on
12 an informal, collaborative basis that is focused on
13 assisting each peer group member in achieving the goals
14 of the teacher's individual professional development
15 plan. Peer group reviews shall not be the basis for
16 recommending that a teacher participate in an intensive
17 assistance program, and shall not be used to determine
18 the compensation, promotion, layoff, or termination
19 of a teacher, or any other determination affecting a
20 teacher's employment status. However, as a result of a
21 peer group review, a teacher may elect to participate
22 in an intensive assistance program. Members of the
23 peer group shall be reviewed every third year by
24 at least one evaluator certified in accordance with
25 section 284.10.>
26 3. By renumbering as necessary.

MASCHER of Johnson

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House File 215

H-1037

- 1 Amend House File 215 as follows:
- 2 1. By striking page 45, line 16, through page 46,
- 3 line 16.
- 4 2. By renumbering as necessary.

MASCHER of Johnson



Iowa General Assembly
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House File 215

H-1038

1 Amend House File 215 as follows:
2 1. Page 48, after line 20 by inserting:
3 <DIVISION
4 FOREIGN LANGUAGE REQUIREMENT
5 Sec. _____. Section 256.11, subsection 3, Code 2013,
6 is amended to read as follows:
7 3. The following areas shall be taught in grades
8 one through six: English-language arts, social
9 studies, mathematics, science, health, age-appropriate
10 and research-based human growth and development,
11 physical education, traffic safety, music, and
12 visual art. The health curriculum shall include the
13 characteristics of communicable diseases including
14 acquired immune deficiency syndrome. At least one
15 foreign language shall be taught in grades one through
16 six in school districts. The state board as part
17 of accreditation standards shall adopt curriculum
18 definitions for implementing the elementary program.
19 Sec. _____. FOREIGN LANGUAGE FOR ELEMENTARY STUDENTS
20 — SCHOOL DISTRICT PLAN. The board of directors of
21 each school district shall develop and implement a plan
22 to teach at least one foreign language in grades one
23 through six by the school year beginning July 1, 2015.
24 Sec. _____. STATE MANDATE FUNDING SPECIFIED. In
25 accordance with section 25B.2, subsection 3, the state
26 cost of requiring compliance with any state mandate
27 included in this division of this Act shall be paid
28 by a school district from state school foundation
29 aid received by the school district under section
30 257.16. This specification of the payment of the
31 state cost shall be deemed to meet all of the state
32 funding-related requirements of section 25B.2,
33 subsection 3, and no additional state funding shall be
34 necessary for the full implementation of this division
35 of this Act by and enforcement of this division of this
36 Act against all affected school districts.
37 Sec. _____. EFFECTIVE DATE. The following provision
38 or provisions of this division of this Act take effect
39 July 1, 2015:
40 1. The section of this Act amending section 256.11,
41 subsection 3.>
42 2. By renumbering as necessary.

ABDUL-SAMAD of Polk

HF215.247 (2) 85

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Iowa General Assembly
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House File 215

H-1039

1 Amend House File 215 as follows:

2 1. Page 48, after line 20 by inserting:

3 <DIVISION _____

4 STATEWIDE PRESCHOOL PROGRAM FOR FOUR-YEAR-OLD CHILDREN

5 — PARTICIPATION AND EXPANSION

6 Sec. _____. Section 256C.5, subsection 2, Code 2013,
7 is amended to read as follows:

8 2. *Preschool foundation aid district amount.*

9 a. For the initial school year for which a school
10 district approved to participate in the preschool
11 program receives that approval and implements the
12 preschool program, the funding for the preschool
13 foundation aid payable to that school district shall
14 be paid from the appropriation made for that school
15 year in section ~~256C.6, Code 2011~~ 256C.7, or in another
16 appropriation made for purposes of this chapter. For
17 that school year, the preschool foundation aid payable
18 to the school district is the product of the regular
19 program state cost per pupil for the school year
20 multiplied by sixty percent of the school district's
21 eligible student enrollment on the date in the school
22 year determined by rule.

23 b. For budget years subsequent to the initial
24 school year for which a school district approved
25 to participate in the preschool program receives
26 that initial approval and implements the preschool
27 program, the funding for the preschool foundation aid
28 payable to that school district shall be paid from the
29 appropriation made in section 257.16. Continuation
30 of a school district's participation in the preschool
31 program for a second or subsequent budget year is
32 subject to the approval of the department based upon
33 the school district's compliance with accountability
34 provisions and the department's on-site review of the
35 school district's implementation of the preschool
36 program.

37 c. (1) For the initial school year for which a
38 school district previously approved to participate in
39 the preschool program receives expansion funding, the
40 funding for the expansion funding preschool foundation
41 aid payable to that school district shall be paid
42 from the appropriation made for that school year in
43 section 256C.7, or in another appropriation made for
44 purposes of this chapter. For that school year, the
45 expansion funding preschool foundation aid payable
46 to the school district is the product of the regular
47 program state cost per pupil for the school year
48 multiplied by fifty percent of the school district's
49 enrollment of additional eligible students for whom the
50 school district applied and who were approved by the

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1 department in accordance with section 256C.7 in the
2 district's approved local program on the date in the
3 school year determined by rule.
4 (2) For budget years subsequent to the initial
5 school year for which a school district approved to
6 participate in the preschool program receives expansion
7 funding, the funding for the preschool foundation aid
8 payable for the number of eligible students initially
9 paid for by the expansion funding provided to that
10 school district shall be paid from the appropriation
11 made in section 257.16.
12 Sec. _____. NEW SECTION. 256C.7 Phase-in and
13 expansion — appropriations.
14 1. *Phase-in.* For the initial fiscal year in
15 which a school district participates in the preschool
16 program pursuant to an appropriation provided in
17 subsection 3, the department shall apply a modified
18 set of the requirements of the provisions of this
19 chapter relating to preschool program implementation,
20 preschool enrollment reporting, and distribution of
21 funding as necessary to begin the distribution in that
22 fiscal year and additional program implementation in
23 the next fiscal year. For each month after September
24 1, in the initial fiscal year that a school district
25 approved to participate in the preschool program
26 begins programming, the department shall reduce the
27 preschool foundation aid payable to the school district
28 by one-tenth of the amount that would otherwise have
29 been payable to the school district for the full school
30 year.
31 2. *Expansion funding.* If the anticipated
32 enrollment count of the eligible students enrolled in
33 the approved local program implemented by a school
34 district exceeds the enrollment count used to calculate
35 the preschool budget enrollment for the district's
36 approved local program for that budget year, the school
37 district may apply to the department for approval of
38 expansion funding to cover the additional enrollment.
39 If the actual additional enrollment is less than
40 anticipated, the preschool foundation aid payable to
41 the school district in the subsequent budget year shall
42 be offset by the excess amount. The expansion funding
43 shall be paid from the appropriation made in subsection
44 3.
45 3. *Appropriations.* There is appropriated from
46 the general fund of the state to the department of
47 education for the designated fiscal years the following
48 amounts, or so much thereof as is necessary, to be used
49 for the initial year and expansion funding preschool
50 foundation aid payments to school districts approved

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1 to participate in the preschool program and for
2 administrative costs:
3 *a.* For the fiscal year beginning July 1, 2013,
4 and ending June 30, 2014, twelve million five hundred
5 thousand dollars.
6 *b.* For the fiscal year beginning July 1, 2014,
7 and ending June 30, 2015, twelve million five hundred
8 thousand dollars.
9 *c.* For the fiscal year beginning July 1, 2015,
10 and ending June 30, 2016, twelve million five hundred
11 thousand dollars.
12 *d.* For the fiscal year beginning July 1, 2016,
13 and ending June 30, 2017, twelve million five hundred
14 thousand dollars.
15 4. *Insufficient funding.* For the fiscal years in
16 the fiscal period beginning July 1, 2013, and ending
17 June 30, 2017, if the number of requests from school
18 districts for initial participation in the preschool
19 program and for expansion funding exceeds the funding
20 made available for the preschool program under this
21 section, the department shall utilize all of the
22 following selection criteria in selecting the school
23 districts that will be approved to participate in the
24 preschool program:
25 *a.* Priority shall be given to school districts that
26 do not have existing preschool programming within the
27 school district boundaries ahead of applications for
28 expansion funding.
29 *b.* Priority shall be given to school districts that
30 have a high percentage of children in poverty and such
31 children shall receive first priority for the programs.
32 *c.* Consideration shall be given to the size
33 of school districts in large, medium, and small
34 categories in order for there to be equitable statewide
35 distribution of preschool program services.
36 *d.* Consideration shall be given to school districts
37 with established, high-quality, community partnerships
38 for the delivery of preschool programming that are
39 seeking to expand access.
40 5. *Repeal.* This section is repealed July 1, 2017.>
41 2. By renumbering as necessary.

STECKMAN of Cerro Gordo

STAED of Linn

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Iowa General Assembly
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House File 215

H-1040

1 Amend House File 215 as follows:

2 1. Page 14, line 6, after <agency.> by inserting
3 <The evaluation requirements for teachers and
4 administrators shall also include but not be limited
5 to a plan for the implementation of professional
6 development for teachers and administrators.>
7 2. Page 19, line 20, after <administrators.> by
8 inserting <The council shall also develop a statewide
9 survey to be distributed to and completed by school
10 districts, area education agencies, regents educational
11 institutions, libraries, administrators, teachers, and
12 parents to assist in evaluating the effectiveness of
13 the department of education and the director of the
14 department of education relating to but not limited to
15 the following criteria: communication, implementation
16 of new model core teaching standards, and maintaining a
17 high standard for clear and transparent rules for all
18 areas under the direction of the department and the
19 director.>

WOOD of Scott

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Iowa General Assembly
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House File 215

H-1041

1 Amend House File 215 as follows:

2 1. Page 47, after line 11 by inserting:

3 <DIVISION
4 STAFFING RATIOS FOR GUIDANCE COUNSELORS, LIBRARIANS,
5 AND NURSES

6 Sec. _____. Section 256.11A, Code 2013, is amended by
7 striking the section and inserting in lieu thereof the
8 following:

9 256.11A Staffing ratios for guidance counselors,
10 librarians, and nurses.

11 The department, in collaboration with area education
12 agencies, the board of educational examiners, and
13 approved practitioner preparation programs, and
14 other appropriate stakeholders, shall require school
15 districts, notwithstanding section 256.11, subsections
16 9, 9A, and 9B, to implement the recommendations of
17 nationally recognized experts and organizations for
18 student-to-school-counselor ratios, student-to-school
19 nurse ratios, and student-to-school librarian ratios.
20 School districts may apply to the department for
21 reimbursement for the additional costs of implementing
22 the recommendations in accordance with this section.
23 The expenses of implementing the recommendations
24 pursuant to this section shall be paid from the funds
25 appropriated annually to the department.>

26 2. By renumbering as necessary.

MASCHER of Johnson

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House File 215

H-1042

1 Amend House File 215 as follows:

2 1. Page 39, line 12, by striking <site-based review
3 council> and inserting <teacher advisory committee>

4 2. Page 39, line 13, by striking <3> and inserting
5 <4>

6 3. Page 39, line 29, by striking <site-based review
7 council> and inserting <teacher advisory committee>

8 4. Page 40, lines 16 and 17, by striking
9 <site-based review council> and inserting <teacher
10 advisory committee>

11 5. Page 40, line 18, by striking <council> and
12 inserting <committee>

13 6. Page 41, by striking lines 16 through 35, and
14 inserting:

15 <4. a. Each school district attendance center
16 shall convene a teacher advisory committee composed
17 of an odd number of teachers who shall be appointed
18 by a majority vote of the teaching staff employed by
19 the school district to work at the attendance center
20 full-time. The committee shall review each application
21 submitted to the committee by a classroom teacher who
22 wishes to become a model, mentor, or lead teacher.
23 Applications selected by a simple majority vote of the
24 committee members shall be submitted by the committee
25 to the administrators of the attendance center.
26 Applicants shall be reviewed by the administrators
27 of the attendance center who shall, by a simple
28 majority final vote, determine whether to approve the
29 application. Any applicant who receives at least two
30 final votes is eligible for appointment as a model,
31 mentor, or lead teacher. If multiple applicants are
32 determined to be eligible, the eligible applicants
33 shall be interviewed by a team consisting of a member
34 of the teacher advisory committee; an administrator who
35 previously reviewed the application and voted on the
36 application; and the attendance center's principal,
37 who shall consider the advice of the teacher on the
38 interview team.>

39 7. Page 42, line 1, by striking <c.> and inserting
40 <b.>

MASCHER of Johnson

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House File 215

H-1043

1 Amend House File 215 as follows:

2 1. Page 8, lines 19 and 20, by striking <prior to
3 advancement to the next grade> and inserting <at the
4 conclusion of the academic year>

5 2. Page 14, line 4, by striking <three levels> and
6 inserting <four tiers>

7 3. Page 15, by striking lines 21 through 23 and
8 inserting <for changes in policy or statute. If
9 implementation of the Iowa teaching standards developed
10 pursuant to subparagraph (1) require a change in
11 policy or statute, the change shall not be made without
12 statutory approval.>

13 4. Page 18, by striking lines 14 and 15 and
14 inserting <standards specified in section 284.3,
15 subsection 1, paragraphs "a" through "h", the criteria
16 for the Iowa teaching standards>

17 5. Page 20, by striking line 3 and inserting:
18 <f. A means to differentiate teacher performance
19 into four tiers.>

20 6. Page 25, line 11, by striking <or>

21 7. Page 25, line 12, after <classroom> by inserting
22 <; for coverage of a classroom when an initial or
23 career teacher is observing or co-teaching with a
24 mentor, model, or lead teacher; for professional
25 development time to learn best practices associated
26 with the career pathways leadership process; for time
27 beyond the contract for additional instructional or
28 professional development days; and for other costs
29 associated with an alternative teacher leadership
30 proposal submitted by a district and approved by the
31 department of education with the goals of improving
32 instruction and elevating the quality of teaching and
33 student learning>

34 8. Page 39, line 13, by striking <3> and inserting
35 <4>

36 9. Page 43, after line 5 by inserting:

37 <____. A school district that meets the requirements
38 of section 284.7 is exempt from the provisions of
39 subsections 1 through 5 until July 1, 2016, or until
40 the school district receives approval to implement
41 the framework or comparable system in accordance with
42 subsection 7.>

43 10. Page 45, by striking line 22 and inserting <at
44 an overall school performance grade and report card
45 for each attendance center. This information must be
46 posted on the department of education's internet site
47 with information for each attendance center listed
48 separately.>

49 11. Page 45, line 31, by striking <classify> and
50 inserting <grade>

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1 12. Page 45, by striking lines 32 through 34 and
2 inserting <into six different performance categories:
3 exceptional, A+; high performing, A; commendable, B;
4 acceptable, C; needs improvement, D; and priority, D-.
5 The categories may be used to define support>
6 13. By renumbering as necessary.

JORGENSEN of Woodbury



Iowa General Assembly
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House File 215

H-1044

1 Amend House File 215 as follows:
2 1. By striking page 6, line 2, through page 7, line
3 18.
4 2. Page 13, by striking lines 15 through 23.
5 3. Page 21, by striking lines 11 through 26.
6 4. Page 46, after line 16 by inserting:
7 <Sec. _____. SUPPLEMENTAL ASSISTANCE FOR HIGH-NEED
8 SCHOOLS. There is appropriated from the general fund
9 of the state to the department of education for the
10 following fiscal years, the following amounts, or
11 so much thereof as is necessary, to be used for the
12 purposes designated:
13 For purposes of implementing the supplemental
14 assistance for high-need schools provisions of section
15 284.11:
16 FY 2013-2014
17 \$ 3,700,000
18 FY 2014-2015
19 \$ 6,500,000
20 Moneys received by a school district pursuant to
21 this subsection shall supplement, not supplant, moneys
22 allocated pursuant to section 284.13, subsection 1,
23 paragraph "00e".>
24 5. By renumbering as necessary.

KAJTAZOVIC of Black Hawk

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Iowa General Assembly
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House File 215

H-1045

1 Amend House File 215 as follows:

2 1. Page 48, after line 20 by inserting:

3 <DIVISION _____

4 SPECIFIC CRITERIA FOR TEACHER PREPARATION

5 Sec. _____. Section 256.16, subsection 1, paragraph
6 a, subparagraph (2), Code 2013, is amended to read as
7 follows:

8 (2) ~~Administer, prior to a student's completion of~~
9 ~~the practitioner preparation program and subject to~~
10 ~~the director's approval, subject assessments designed~~
11 ~~by a nationally recognized testing service that~~
12 ~~measure pedagogy and knowledge of at least one subject~~
13 ~~area; or, a valid and reliable subject-area-specific~~
14 ~~discipline-specific, performance-based assessment for~~
15 ~~preservice teacher candidates, centered on student~~
16 ~~learning. A The student shall not successfully~~
17 ~~complete the program unless the student achieves scores~~
18 ~~above the twenty-fifth percentile nationally on the~~
19 ~~assessments administered pursuant to this subparagraph~~
20 ~~may select either the subject assessments or the~~
21 ~~performance-based assessment.~~

22 Sec. _____. Section 256.16, subsection 1, Code 2013,
23 is amended by adding the following new paragraph:

24 NEW PARAGRAPH. d. Work with the board of
25 educational examiners to develop valid and reliable
26 pathways to licensure by subject area which a student
27 enrolled in the program may elect to pursue.

28 Sec. _____. Section 256.16, Code 2013, is amended by
29 adding the following new subsection:

30 NEW SUBSECTION. 3. a. A council on pathways
31 to licensure is established, administratively
32 attached to the board of educational examiners, to
33 identify appropriate levels of proficiency in each
34 licensure pathway developed pursuant to subsection 1,
35 paragraph "d" and to periodically review the levels of
36 proficiency in each licensure pathway. The council
37 shall consist of the director of the department
38 of education, or the director's designee, and the
39 remaining members shall be appointed by the executive
40 director of the board of educational examiners as
41 follows:

42 (1) Three members who shall represent accredited
43 private institutions offering practitioner preparation
44 programs approved pursuant to section 256.7, subsection
45 3.

46 (2) Three members who shall represent institutions
47 of higher learning governed by the state board of
48 regents offering practitioner preparation programs
49 approved pursuant to section 256.7, subsection 3.

50 b. Members appointed pursuant to paragraph "a",

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1 subparagraphs (1) and (2) shall serve staggered
2 four-year terms. A vacancy shall be filled in the same
3 manner as the original appointment and shall be for the
4 remainder of the unexpired term of the vacancy. The
5 council shall elect a chairperson and vice chairperson.
6 The council shall meet regularly as determined by
7 the council, upon the call of the chairperson, or
8 upon the call of a majority of the members. Members
9 shall be reimbursed for actual and necessary expenses
10 incurred in performance of their duties. The board of
11 educational examiners shall provide staff assistance
12 and administrative support to the council.

13 c. The council shall assist the board of
14 educational examiners and the state board in resolving
15 issues which are directly related to pathways to
16 licensure and practitioner preparation programs. The
17 council shall formulate recommendations on any issue
18 referred to it by the board of educational examiners or
19 the state board and shall submit its recommendations
20 to both boards within any specified time periods. The
21 council shall submit an annual report with its findings
22 and recommendations, including any recommendations for
23 changes in law or policy, to the board of educational
24 examiners, the state board, the governor, and the
25 general assembly by January 15.

26 Sec. _____. COUNCIL ON PATHWAYS TO LICENSURE —
27 INITIAL RECOMMENDATIONS — INITIAL MEMBERSHIP TERMS.

28 1. Notwithstanding section 256.16, subsection 3,
29 paragraph "c", the council on pathways to licensure
30 shall submit an initial report, including its findings
31 and recommendations for changes in law or policy, by
32 November 15, 2013, to the state board of education,
33 the board of educational examiners, the governor, and
34 general assembly, and shall submit its first annual
35 report to the state board of education, the board
36 of educational examiners, the governor, and general
37 assembly by January 15, 2015.

38 2. Initial appointments to the council on pathways
39 to licensure made pursuant to section 256.16,
40 subsection 3, paragraph "a", subparagraphs (1) and (2)
41 shall be for terms as follows: Two members shall be
42 appointed for two-year terms, two members shall be
43 appointed for three-year terms, and two members shall
44 be appointed for four-year terms.>

45 2. By renumbering as necessary.

WINCKLER of Scott

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House File 237 - Introduced

HOUSE FILE 237
BY KELLEY

A BILL FOR

1 An Act relating to the attainment of high-performance
2 certification applicable to elementary and secondary public
3 school buildings.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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rn/sc



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H.F. 237

1 Section 1. NEW SECTION. 297.7A High-performance
2 certification.

3 1. A school district commencing the design or construction
4 of, or commencing the substantial renovation of, an elementary
5 or secondary public school building on or after July 1, 2013,
6 shall apply for certification of the construction or renovation
7 project pursuant to the United States green building council's
8 leadership in energy and environmental design program. The
9 application shall be submitted under either the rating system
10 applicable for schools or for new construction, as determined
11 most appropriate by the school district. The school district
12 shall undertake a good-faith effort to meet the minimum
13 standards applicable for achievement of the program's silver
14 certification level and is encouraged to seek certification
15 qualifying for the gold or platinum certification levels.
16 A school district may apply for certification under an
17 alternative high-performance energy certification program,
18 instead of applying for certification pursuant to the United
19 States green building council's leadership in energy and
20 environmental design program, provided the alternative program
21 incorporates comparable certification standards applicable to
22 new building construction or substantial renovation.

23 2. In addition to the requirement in subsection 1, a
24 school district shall register all existing elementary or
25 secondary public school buildings for certification pursuant
26 to the United States green building council's leadership in
27 energy and environmental design existing buildings operation
28 and maintenance program, and pursue certification for
29 each school building to the extent practicable. A school
30 district may apply for certification under an alternative
31 high-performance energy certification program, instead of
32 applying for certification pursuant to the United States green
33 building council's leadership in energy and environmental
34 design program, provided the alternative program incorporates
35 comparable certification standards applicable to existing

LSB 2180HH (2) 85
rn/sc

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1 building operation and maintenance.

2 3. Each school district shall notify the department of
3 education by September 15 annually regarding the number of
4 projects or buildings for which certification was sought, if
5 any, and the results and level of certification achieved.
6 The department shall submit a report to the general assembly
7 summarizing the information provided by January 1 annually.

8 EXPLANATION

9 This bill requires a school district commencing the design
10 or construction of, or commencing the substantial renovation
11 of, an elementary or secondary public school building on or
12 after July 1, 2013, to apply for certification of the building
13 or project pursuant to the United States green building
14 council's leadership in energy and environmental design
15 program. The school district may submit the application under
16 either the program's rating system applicable for schools or
17 for new construction, as determined most appropriate by the
18 school district. The bill provides that the school district
19 shall undertake a good-faith effort to meet the minimum
20 standards applicable for achievement of the program's silver
21 certification level and is encouraged to seek certification
22 qualifying for the gold or platinum certification levels.
23 The bill also requires a school district to register all
24 existing elementary or secondary public school buildings for
25 certification pursuant to the United States green building
26 council's leadership in energy and environmental design
27 existing buildings operation and maintenance program, and
28 pursue certification for each school building to the extent
29 practicable.

30 The bill provides that a school district may apply for
31 certification under an alternative high-performance energy
32 certification program, instead of applying for certification
33 pursuant to the United States green building council's
34 leadership in energy and environmental design program,
35 provided the alternative program incorporates comparable

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1 certification standards applicable to new building construction
2 or substantial renovation and existing building operation and
3 maintenance.

4 The bill requires each school district to notify the
5 department of education by September 15 annually regarding the
6 number of projects or buildings for which certification was
7 sought, if any, and the results and level of certification
8 achieved. The department shall submit a report to the general
9 assembly summarizing the information provided by January 1
10 annually.



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House File 238 - Introduced

HOUSE FILE 238
BY KELLEY

A BILL FOR

1 An Act concerning the right of an employee or member to
2 continue group accident or health insurance upon termination
3 of employment or membership.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2203HH (1) 85
av/nh



Iowa General Assembly
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H.F. 238

1 Section 1. Section 509B.2, subsection 1, Code 2013, is
2 amended to read as follows:
3 1. As used in this chapter, "*termination of employment or*
4 *membership*" includes but is not limited to termination because
5 of permanent or temporary layoff or approved leave of absence,
6 including an absence or reduction in hours due to the injury or
7 illness of the employee or member. A provision in this chapter
8 which relates to termination of insurance under a group policy
9 of an employee or member and the employee's or member's covered
10 dependents includes termination of insurance with respect to
11 the surviving or former spouse or children of an employee or
12 member whose insurance would terminate because of dissolution
13 or annulment of the marriage of the employee or member, or
14 would terminate because of death of the employee or member.

15 EXPLANATION

16 Code chapter 509B provides that an employee or member has
17 the right to continue their group accident or health insurance
18 which would otherwise terminate because of termination of
19 the employment or membership. The bill specifies that a
20 "termination of employment or membership" which triggers this
21 right includes an absence or reduction in hours due to the
22 injury or illness of the employee or member.



Iowa General Assembly
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House File 239 - Introduced

HOUSE FILE 239
BY KELLEY

A BILL FOR

1 An Act concerning notice to employees or members of the
2 termination or substantial modification of their group
3 accident or health insurance.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2213HH (1) 85
av/nh



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H.F. 239

1 Section 1. Section 509B.5, subsection 2, Code 2013, is
2 amended to read as follows:
3 2. If an employer or group policyholder terminates or
4 substantially modifies an agreement to provide accident or
5 health insurance for employees or members or if accident
6 or health insurance for employees or members is terminated
7 for failure to pay premiums or for another reason, the
8 employer or group policyholder shall notify the employees or
9 members, including persons being continued under the policy's
10 continuation provisions, of the termination or substantial
11 modification of their coverage. The notice shall be in writing
12 and delivered in person to the entitled persons or mailed to
13 their last known addresses at least ~~ten~~ thirty days prior to
14 the termination or substantial modification of the accident or
15 health insurance coverage. The employer or group policyholder
16 is solely liable for benefits, including extended benefits,
17 other than extended benefits for which the insurer is liable
18 in accordance with the provisions of the group policy, which
19 would have been payable had the accident or health insurance
20 remained in force or not been terminated or substantially
21 modified during the period of time following the termination or
22 substantial modification until the person entitled to notice is
23 given notice by the employer or group policyholder as required
24 by this subsection.

25 EXPLANATION

26 This bill provides that when an agreement to provide
27 accident or health insurance for employees or members
28 is terminated or substantially modified, the employer or
29 group policyholder must provide written notification of the
30 termination or modification to the employees or members at
31 least 30, instead of 10, days before the change occurs.

LSB 2213HH (1) 85
av/nh

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House File 240 - Introduced

HOUSE FILE 240
BY KELLEY

A BILL FOR

1 An Act providing for the conducting of a wireless communication
2 mapping survey.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2184HH (2) 85
rn/sc



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H.F. 240

1 Section 1. WIRELESS COMMUNICATION MAPPING SURVEY. The
2 economic development authority, with the assistance of the
3 utilities board of the utilities division of the department
4 of commerce, shall conduct a wireless communication mapping
5 survey. For purposes of this section, "wireless communication"
6 means communication pursuant to a mobile or cellular telephone
7 apparatus or device. The objectives of the survey shall be
8 to identify on a statewide basis areas of current wireless
9 communication service coverage and to ascertain areas
10 throughout the state where wireless communication service is
11 either nonexistent or where signal strength and reliability
12 is inconsistent or subject to interruption. Based upon
13 the results of the survey, the authority shall develop
14 recommendations for expanding and improving coverage in those
15 areas identified as requiring such expansion and improvement.
16 In conducting the survey and developing recommendations,
17 the authority and the board shall enlist the assistance of
18 telecommunications service providers of varying sizes and
19 with varying numbers of customers currently operating within
20 this state. The authority shall submit a report to the
21 general assembly regarding the results of the survey and
22 recommendations by January 1, 2014.

23 EXPLANATION

24 This bill directs the economic development authority,
25 with the assistance of the Iowa utilities board, to conduct
26 a wireless communication mapping survey. The bill defines
27 "wireless communication" to refer to communication pursuant to
28 a mobile or cellular telephone apparatus or device. The bill
29 states that the objectives of the survey are to identify on a
30 statewide basis areas of current wireless communication service
31 coverage and to ascertain areas throughout the state where
32 wireless communication service is either nonexistent or where
33 signal strength and reliability is inconsistent or subject to
34 interruption. Based upon the results of the survey, the bill
35 requires the authority to develop recommendations to expand

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1 and improve coverage in those areas identified as requiring
2 it. The bill provides that the survey and recommendations
3 shall be conducted and developed with the assistance of
4 telecommunications service providers of varying sizes and with
5 varying numbers of customers currently operating in Iowa. The
6 bill provides that the authority shall submit a report to
7 the general assembly regarding the results of the survey and
8 legislative recommendations by January 1, 2014.



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House File 241 - Introduced

HOUSE FILE 241
BY KELLEY

A BILL FOR

1 An Act establishing an energy efficiency training curriculum
2 applicable to designated school district employees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2210HH (1) 85
rn/rj



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H.F. 241

1 Section 1. NEW SECTION. 297.7A Energy efficiency training
2 curriculum established.

3 1. The department of education, in coordination with
4 the economic development authority and the utilities board
5 of the utilities division of the department of commerce,
6 shall establish an energy efficiency training curriculum.
7 The objective of the curriculum shall be to encourage the
8 development and application of technical expertise in
9 maximizing the utilization of energy efficiency equipment
10 and making structural upgrades to existing school buildings
11 by school district maintenance and operations personnel.
12 Additionally, the curriculum shall educate school district
13 maintenance and operations personnel in energy-efficient
14 cleaning product utilization; heating, cooling, and lighting
15 efficiency and conservation; and recycling practices and
16 techniques. The curriculum shall be available to any school
17 district electing to receive it, and shall be delivered in a
18 form and manner as determined by the department by rule.

19 2. The department shall submit a report by January 1
20 annually regarding the results of the establishment of the
21 training curriculum to the general assembly.

22 EXPLANATION

23 This bill establishes an energy efficiency training
24 curriculum applicable to designated school district employees.

25 The bill directs the department of education, in
26 coordination with the economic development authority and the
27 Iowa utilities board, to establish the curriculum with the
28 objective of encouraging the development and application of
29 technical expertise in maximizing the utilization of energy
30 efficiency equipment and making structural upgrades to
31 existing school buildings by school district maintenance and
32 operations personnel. Additionally, the bill specifies that
33 the curriculum shall educate school district maintenance and
34 operations personnel in energy-efficient cleaning product
35 utilization; heating, cooling, and lighting efficiency and

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1 conservation; and recycling practices and techniques. The bill
2 provides that the curriculum shall be available to any school
3 district electing to receive it, and shall be delivered in a
4 form and manner as determined by the department by rule.
5 The bill requires the department to submit a report by
6 January 1 annually regarding the results of the establishment
7 of the training curriculum to the general assembly.



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House File 242 - Introduced

HOUSE FILE 242
BY KELLEY

A BILL FOR

1 An Act providing for civil rights enforcement concerning
2 employment rights of persons exercising their rights under
3 the federal Family and Medical Leave Act.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2216HH (1) 85
ec/nh



Iowa General Assembly
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H.F. 242

1 Section 1. Section 216.6, subsection 1, Code 2013, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. e. Person to refuse to hire, accept,
4 register, classify, or refer for employment, to discharge any
5 employee, or to otherwise discriminate in employment against
6 any applicant for employment or any employee because the
7 applicant or employee has exercised or has previously exercised
8 the applicant's or employee's rights under the federal Family
9 and Medical Leave Act.

10 EXPLANATION

11 This bill provides that it is an unfair employment practice
12 under the Iowa civil rights Act to discriminate against any
13 employee or applicant for employment because that person has
14 exercised the person's rights under the federal Family and
15 Medical Leave Act.



Iowa General Assembly
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House File 243 - Introduced

HOUSE FILE 243
BY KELLEY

A BILL FOR

1 An Act requiring the state building code commissioner to adopt
2 statewide requirements and standards for radon control in
3 residential construction and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2204HH (2) 85
aw/sc



Iowa General Assembly
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H.F. 243

1 Section 1. **NEW SECTION. 103A.8D Residential construction**
2 **requirements and standards for radon control.**

3 The state building code commissioner shall adopt as a part
4 of the state building code construction requirements and
5 standards for radon control in new residential construction.
6 The requirements and standards adopted by the commissioner
7 shall, if possible, be based upon a nationally recognized
8 standard or code for radon control in residential construction.
9 Notwithstanding any other provision of this chapter to the
10 contrary, the construction requirements and standards for radon
11 control adopted by the commissioner and approved by the council
12 shall apply to new residential construction commenced on or
13 after January 1, 2015, and shall supersede and replace any
14 minimum requirements and standards for radon control in new
15 residential construction adopted or enacted by a governmental
16 subdivision prior to that date. The state building code
17 commissioner may provide training to builders, contractors, and
18 other interested persons on the construction requirements and
19 standards for radon control in residential construction.

20 Sec. 2. Section 103A.10, Code 2013, is amended by adding the
21 following new subsection:

22 **NEW SUBSECTION. 6.** Notwithstanding any other provision of
23 this chapter to the contrary, the construction requirements and
24 standards for radon control in new residential construction
25 adopted by the commissioner and approved by the council shall
26 apply to all new residential construction commenced on or after
27 January 1, 2015, and shall supersede and replace any minimum
28 requirements or standards for radon control in new residential
29 construction adopted or enacted by the governmental subdivision
30 prior to that date.

31 **EXPLANATION**

32 This bill requires that the building code commissioner,
33 with the approval of the building code advisory council, adopt
34 requirements and standards for radon control in new residential
35 construction. The bill provides that the standards shall

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1 supersede and replace any minimum radon control requirements
2 and standards for new residential construction adopted by
3 governmental subdivisions in Iowa. The bill requires that the
4 requirements and standards be mandatory for all new residential
5 construction beginning on or after January 1, 2015.

6 The bill makes penalties related to failure to comply
7 with certain orders applicable under Code section 103A.19,
8 subsection 2, paragraph "c", to the radon control requirements
9 and standards. A knowing violation of the state building code
10 or a lawful order is considered a simple misdemeanor under
11 Code section 103A.21. A simple misdemeanor is punishable by
12 confinement for no more than 30 days or a fine of at least \$65
13 but not more than \$625 or by both.



Iowa General Assembly
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House File 244 - Introduced

HOUSE FILE 244

BY RUNNING-MARQUARDT, KRESSIG,
and STECKMAN

A BILL FOR

1 An Act relating to the operation of bicycles on a highway and
2 to motorists overtaking and passing a bicycle, implement of
3 husbandry, or slow-moving vehicle on a highway, and making
4 penalties applicable.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1835YH (4) 85
dea/nh



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H.F. 244

1 Section 1. Section 321.299, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. a. The driver of a vehicle overtaking another vehicle
4 proceeding in the same direction shall pass to the left of the
5 other vehicle at a safe distance and shall not again drive
6 to the right side of the roadway until safely clear of the
7 overtaken vehicle.

8 b. The driver of a vehicle overtaking a bicycle proceeding
9 in the same direction shall use an adjacent travel lane to the
10 left of the lane in which the bicycle is traveling to pass and
11 shall maintain a distance of not less than three feet between
12 the right side of the driver's vehicle, including all mirrors
13 and other projections, and the left side of the bicycle. This
14 paragraph does not apply to persons driving an implement of
15 husbandry.

16 Sec. 2. Section 321.304, Code 2013, is amended to read as
17 follows:

18 **321.304 Prohibited passing.**

19 1. No vehicle shall, in overtaking and passing another
20 vehicle or at any other time, be driven to the left side of the
21 roadway under the following conditions:

22 ~~1-~~ a. When approaching the crest of a grade or upon a curve
23 in the highway where the driver's view along the highway is
24 obstructed for a distance of approximately seven hundred feet.

25 ~~2-~~ b. When approaching within one hundred feet of any
26 narrow bridge, viaduct, or tunnel, when so signposted, or
27 when approaching within one hundred feet of or traversing any
28 intersection or railroad grade crossing.

29 ~~3-~~ c. Where official signs are in place directing that
30 traffic keep to the right or a distinctive center line or
31 off-center line is marked, which distinctive line also so
32 directs traffic as declared in the sign manual adopted by the
33 department of transportation.

34 2. Subsection 1 does not apply to a vehicle passing a
35 bicyclist or implement of husbandry, or passing a slow-moving

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1 vehicle displaying a reflective device or alternative
2 reflective device as provided by section 321.383, when the
3 movement can be made safely and without interfering with,
4 impeding, or endangering other traffic.

5 Sec. 3. Section 321.385A, Code 2013, is amended to read as
6 follows:

7 **321.385A Citation for unlighted headlamp, rear lamp or**
8 **reflector, or rear registration plate light.**

9 1. a. A citation issued for failure to have one or more
10 headlamps as required under section 321.385 or 321.397 shall
11 first provide for a seventy-two hour period within which the
12 person charged with the violation shall replace or repair the
13 headlamp.

14 b. A citation issued for failure to have rear lamps as
15 required under section 321.387, a rear lamp or reflector as
16 required under section 321.397, or a rear registration plate
17 light as required under section 321.388 shall first provide
18 for a seventy-two hour period within which the person charged
19 with the violation shall replace or repair the ~~lamps~~ lamp,
20 reflector, or light.

21 2. If the person complies with the directive to replace
22 or repair the headlamp, rear ~~lamps~~ lamp, reflector, or rear
23 registration plate light within the allotted time period,
24 the citation shall be expunged. If the person fails to
25 comply within the allotted time period, the citation shall be
26 processed in the same manner as other citations.

27 3. A citation issued under this section shall include a
28 written notice of replacement or repair which shall indicate
29 the date of replacement or repair and the manner in which the
30 replacement or repair occurred and which shall be returned to
31 the issuing authority within the seventy-two hour time period.

32 Sec. 4. Section 805.8A, subsection 6, paragraph i, Code
33 2013, is amended to read as follows:

34 i. Section 321.304, ~~subsections 1~~
35 ~~and 2~~ subsection 1, paragraphs "a" and

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1 “b”.....\$100.

2 Sec. 5. Section 805.8A, subsection 8, paragraph d, Code
3 2013, is amended to read as follows:

4 d. Section 321.304, subsection 3 1,
5 paragraph “c”.....\$100.

6 EXPLANATION

7 This bill contains provisions relating to bicycles ridden
8 on a highway and to vehicles passing bicycles and certain slow
9 vehicles.

10 The bill amends Code section 321.299 to require the driver
11 of a vehicle overtaking a bicycle proceeding in the same
12 direction to use an adjacent travel lane to the left of the
13 bicyclist to pass and to maintain a distance of not less than
14 three feet between the right side of the driver's vehicle,
15 including all mirrors and other projections, and the left side
16 of the bicyclist. The requirement does not apply to a person
17 driving an implement of husbandry. Pursuant to current law,
18 a violation of Code section 321.299 is a simple misdemeanor
19 punishable by a scheduled fine of \$100. In addition, if the
20 violation causes serious injury to another person, the court
21 may impose an additional fine of \$500 or driver's license
22 suspension for up to 90 days, or both. If the violation
23 results in an accident causing a death, the court may impose an
24 additional fine of \$1,000 or driver's license suspension for
25 up to 180 days, or both.

26 Code section 321.304 currently prohibits the driver of
27 a vehicle from overtaking and passing another vehicle or
28 otherwise driving on the left side of the roadway under the
29 following conditions: when approaching the crest of a grade
30 or on a curve where the driver's view is obstructed for a
31 distance of approximately 700 feet; when approaching within 100
32 feet of a sign-posted narrow bridge, viaduct, or tunnel; when
33 approaching within 100 feet of or traversing an intersection
34 or railroad grade crossing; and where official signs or
35 line-markings direct that traffic keep to the right. The bill

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1 provides an exception to the limitations on driving on the
2 left side of the roadway for a vehicle passing a bicyclist
3 or implement of husbandry, or passing a slow-moving vehicle
4 displaying a proper reflective device, when the movement
5 can be made safely and without interfering with, impeding,
6 or endangering other traffic. Pursuant to current law, a
7 violation of Code section 321.304 is a simple misdemeanor
8 punishable by a scheduled fine of \$100. In addition, if the
9 violation causes serious injury to another person, the court
10 may impose an additional fine of \$500 or driver's license
11 suspension for up to 90 days, or both. If the violation
12 results in an accident causing a death, the court may impose an
13 additional fine of \$1,000 or driver's license suspension for
14 up to 180 days, or both.

15 Under current law, when a citation is issued to the driver
16 of a vehicle for failure to have headlamps, rear lamps, or a
17 rear registration plate light, the citation includes a notice
18 of replacement or repair to be completed and returned to the
19 issuing authority within 72 hours. If the person complies
20 with the directive within 72 hours, the citation is expunged.
21 The bill amends Code section 321.385A to provide that if a
22 person is issued a citation for failure to have a bicycle
23 headlamp, rear light, or rear reflector, the person shall
24 receive the same type of citation providing a 72-hour period
25 within which to make the required replacement or repair and
26 have the citation expunged. The penalty for violation of
27 bicycle lighting requirements is not changed under the bill. A
28 violation is currently punishable by a scheduled fine of \$25.



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House File 245 - Introduced

HOUSE FILE 245
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 8)

A BILL FOR

- 1 An Act appropriating moneys in the cigarette fire safety
- 2 standard fund and including effective date and retroactive
- 3 applicability provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1408HV (3) 85
tm/sc



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H.F. 245

1 Section 1. Section 101B.9, Code 2013, is amended to read as
2 follows:

3 **101B.9 Cigarette fire safety standard fund.**

4 A cigarette fire safety standard fund is created as a
5 special fund in the state treasury under the control of the
6 department of public safety. The fund shall consist of all
7 moneys recovered from the assessment of civil penalties or
8 certification fees under this chapter. ~~The moneys in the~~
9 ~~fund shall, in~~ In addition to any moneys made available for
10 such purpose, ~~be available, subject to appropriation, moneys~~
11 in the fund are appropriated to the department of public
12 safety for the purpose of fire safety and prevention programs,
13 including for entry level fire fighter training, equipment, and
14 operations.

15 Sec. 2. REPEAL. Section 101B.9, Code 2013, is repealed.

16 Sec. 3. CIGARETTE FIRE SAFETY STANDARD FUND.

17 Notwithstanding any provision of law to the contrary, the
18 unencumbered or unobligated balance of the cigarette fire
19 safety standard fund at the close of the fiscal year beginning
20 July 1, 2012, or the close of any succeeding fiscal year, shall
21 be credited to the general fund of the state.

22 Sec. 4. EFFECTIVE UPON ENACTMENT. The following provision
23 or provisions of this Act, being deemed of immediate
24 importance, take effect upon enactment:

25 1. The section of this Act amending section 101B.9.

26 2. The section of this Act providing for retroactive
27 applicability.

28 Sec. 5. RETROACTIVE APPLICABILITY. The following provision
29 or provisions of this Act apply retroactively to July 1, 2007:

30 1. The section of this Act amending section 101B.9.

31 EXPLANATION

32 This bill relates to moneys in the cigarette fire safety
33 standard fund which is a special fund in the state treasury
34 under the control of the department of public safety.
35 Currently, moneys in the fund are subject to appropriation.

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1 The bill eliminates the contingent appropriation language and
2 appropriates all moneys in the fund to the department of public
3 safety. This provision takes effect upon enactment and applies
4 retroactively to July 1, 2007.

5 The bill eliminates the fund on July 1, 2013, and credits to
6 the general fund of the state any unencumbered or unobligated
7 balance of the fund at the time of the repeal.



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House File 246 - Introduced

HOUSE FILE 246
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 21)

A BILL FOR

1 An Act relating to the technical administration of election and
2 voter registration laws, including by making modifications
3 to certain filing deadlines, preservation of certain
4 records, elections to fill certain vacancies in office,
5 absentee voting, voting systems, and ballot summaries.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1134HV (3) 85
aw/sc



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H.F. 246

1 Section 1. Section 43.16, Code 2013, is amended to read as
2 follows:

3 **43.16 Return of papers, additions not allowed.**

4 1. After a nomination paper has been filed, it shall not
5 be returned to the person who has filed the paper, nor shall
6 any signature or other information be added to the nomination
7 paper.

8 2. a. A person who has filed nomination petitions with the
9 state commissioner may withdraw as a candidate not later than
10 5:00 p.m. on the seventy-sixth day before the primary election
11 by notifying the state commissioner in writing.

12 b. A person who has filed nomination papers with the
13 commissioner may withdraw as a candidate not later than 5:00
14 p.m. on the sixty-seventh day before the primary election by
15 notifying the commissioner in writing.

16 3. The name of a candidate who has withdrawn or died at a
17 time in accordance with this section shall be omitted from the
18 certificate furnished by the state commissioner under section
19 43.22 and omitted from the primary election ballot.

20 Sec. 2. Section 43.23, Code 2013, is amended to read as
21 follows:

22 **43.23 Death or withdrawal of primary candidate.**

23 1. If a person who has filed nomination papers with the
24 state commissioner as a candidate in a primary election dies
25 or withdraws ~~up to~~ before 5:00 p.m. on the seventy-sixth
26 day before the primary election, the appropriate convention
27 or central committee of that person's political party may
28 designate one additional primary election candidate for the
29 nomination that person was seeking, if the designation is
30 submitted to the state commissioner in writing by 5:00 p.m. on
31 the seventy-first day before the date of the primary election.
32 The name of any candidate so submitted shall be included in the
33 appropriate certificate or certificates furnished by the state
34 commissioner under section 43.22.

35 2. If a person who has filed nomination papers with the

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1 commissioner as a candidate in a primary election dies or
2 withdraws ~~up to~~ before 5:00 p.m. on the sixty-seventh day
3 before the primary election, the appropriate convention
4 or central committee of that person's political party may
5 designate one additional primary election candidate for the
6 nomination that person was seeking, if the designation is
7 submitted to the commissioner in writing by 5:00 p.m. on the
8 sixty-third day before the primary election. The name of any
9 candidate so submitted shall be placed on the appropriate
10 ballot or ballots by the commissioner.

11 Sec. 3. Section 43.24, subsection 1, paragraph b, Code 2013,
12 is amended by adding the following new subparagraph:

13 NEW SUBPARAGRAPH. (03) Objections to nominations to fill
14 vacancies in the office of representative in Congress at a
15 special election held under section 69.14 shall be filed with
16 the state commissioner not less than sixty days prior to the
17 date set for the special election.

18 Sec. 4. Section 43.24, subsection 1, paragraph b,
19 subparagraph (3), Code 2013, is amended to read as follows:

20 (3) Objections to nominations to fill vacancies in the
21 general assembly at a special election held under section
22 69.14, under which the forty-day notice of election provision
23 applies, shall be filed with the state commissioner not less
24 than fifteen days prior to the date set for the special
25 election. If the forty-day notice provision does not apply,
26 objections to nominations to fill vacancies in the general
27 assembly at a special election held under section 69.14 may be
28 filed any time prior to the date set for the special election.

29 Sec. 5. Section 43.24, subsection 1, Code 2013, is amended
30 by adding the following new paragraph:

31 NEW PARAGRAPH. c. Objections filed pursuant to this section
32 shall be filed no later than 5:00 p.m. on the final date for
33 filing.

34 Sec. 6. Section 43.24, subsection 2, paragraph b, Code 2013,
35 is amended to read as follows:

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1 **b.** If an objection is filed to a nomination to fill
2 a vacancy in the general assembly at a special election
3 held under section 69.14, under which the forty-day notice
4 of election provision of section 69.14 does not apply,
5 notice of the objection shall be made to the candidate by
6 the state commissioner as soon as practicable. Under this
7 paragraph, failure to notify a candidate of an objection to the
8 candidate's nomination prior to the date set for the special
9 election does not invalidate the hearing conducted under
10 subsection 3. The hearing to an objection shall proceed as
11 quickly as possible to expedite the special election.

12 Sec. 7. Section 43.72, Code 2013, is amended to read as
13 follows:

14 **43.72 State returns filed and preserved.**

15 When the canvass is concluded, the board shall deliver
16 the original abstract returns to the state commissioner, who
17 shall file the returns in the state commissioner's office and
18 preserve the abstracts of the canvass of the state board and
19 certificates attached thereto. The state commissioner may
20 preserve the abstracts and certificates attached thereto in an
21 electronic format.

22 Sec. 8. Section 43.88, Code 2013, is amended to read as
23 follows:

24 **43.88 Certification of nominations.**

25 1. Nominations made by state, district, and county
26 conventions, shall, under the name, place of residence, and
27 post office address of the nominee, and the office to which
28 nominated, and the name of the political party making the
29 nomination, be forthwith certified to the proper officer by
30 the chairperson and secretary of the convention, or by the
31 committee, as the case may be, and if such certificate is
32 received in time, the names of such nominees shall be printed
33 on the official ballot the same as if the nomination had been
34 made in the primary election.

35 2. Nominations made to fill vacancies in the office of

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1 representative in Congress shall be certified to the state
2 commissioner not less than sixty-two days prior to the date set
3 for the special election. Nominations made to fill vacancies
4 in other offices to which this chapter applies at a special
5 election shall be certified to the proper official not less
6 than twenty-five days prior to the date set for the special
7 election. In the event the special election is to fill a
8 vacancy in the general assembly while it is in session or
9 within forty-five days of the convening of any session, the
10 nomination shall be certified not less than fourteen days
11 before the date of the special election.

12 3. Nominations certified to the proper official under this
13 section shall be accompanied by an affidavit executed by the
14 nominee in substantially the form required by section 43.67.

15 Sec. 9. Section 44.4, subsection 1, Code 2013, is amended
16 to read as follows:

17 1. Nominations made pursuant to this chapter and chapter
18 45 which are required to be filed in the office of the state
19 commissioner shall be filed in that office not more than
20 ninety-nine days nor later than 5:00 p.m. on the eighty-first
21 day before the date of the general election to be held in
22 November. Nominations made for a special election called
23 pursuant to section 69.14 to fill vacancies in the general
24 assembly shall be filed by 5:00 p.m. not less than twenty-five
25 days before the date of an election called upon at least
26 forty days' notice and not less than fourteen days before
27 the date of an election called upon at least eighteen days'
28 notice. Nominations made to fill vacancies in the office of
29 representatives in Congress at a special election shall be
30 certified to the state commissioner not less than sixty-two
31 days prior to the date set for the special election.

32 Nominations made for a special election called pursuant to
33 section 69.14A shall be filed by 5:00 p.m. not less than
34 twenty-five days before the date of the election. Nominations
35 made pursuant to this chapter and chapter 45 which are required

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1 to be filed in the office of the commissioner shall be filed
2 in that office not more than ninety-two days nor later than
3 5:00 p.m. on the sixty-ninth day before the date of the general
4 election. Nominations made pursuant to this chapter or chapter
5 45 for city office shall be filed not more than seventy-two
6 days nor later than 5:00 p.m. on the forty-seventh day before
7 the city election with the city clerk, who shall process them
8 as provided by law.

9 Sec. 10. Section 44.4, subsection 2, paragraph a, Code 2013,
10 is amended by adding the following new subparagraphs:

11 NEW SUBPARAGRAPH. (03) Objections to nominations to fill
12 a vacancy in the office of representative in Congress at a
13 special election held under section 69.14 shall be filed with
14 the state commissioner not less than sixty days prior to the
15 date set for the special election.

16 NEW SUBPARAGRAPH. (003) Objections to nominations to
17 fill a vacancy in the general assembly at a special election
18 held under section 69.14, under which the forty-day notice
19 of election provision applies, shall be filed with the state
20 commissioner not less than fifteen days prior to the date set
21 for the special election. If the forty-day notice provision
22 does not apply, objections to nominations to fill vacancies at
23 a special election held under section 69.14 may be filed no
24 later than the day before the special election.

25 Sec. 11. Section 48A.30, subsection 1, paragraph a, Code
26 2013, is amended to read as follows:

27 *a.* The registered voter dies. For the purposes of this
28 subsection, the commissioner may accept as evidence of death a
29 notice from the state registrar of vital statistics forwarded
30 by the state registrar of voters, a written statement from a
31 member of the registered voter's household, an obituary in a
32 newspaper, an obituary posted on a funeral home internet site,
33 a written statement from an election official, or a notice from
34 the county recorder of the county where the registered voter
35 died.



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1 Sec. 12. Section 48A.32, Code 2013, is amended to read as
2 follows:

3 **48A.32 Destruction or removal of canceled voter registration**
4 **records.**

5 Twenty-two months after the next general election following
6 the cancellation of a person's voter registration or twenty-two
7 months after receipt of an incomplete voter registration
8 application, the commissioner may destroy all records of that
9 person's registration, including electronic records. At the
10 discretion of the commissioner, canceled records may be donated
11 to a historical society if all confidential information has
12 been removed from the records.

13 Sec. 13. Section 49.45, Code 2013, is amended to read as
14 follows:

15 **49.45 General form of ballot.**

16 Ballots referred to in section 49.43 shall be ~~substantially~~
17 in one of the following form forms:

18 Shall the following amendment to the Constitution (or public
19 measure) be adopted?

20 ☐ Yes

21 ☐ No

22 (Here insert the summary, if it is for a constitutional
23 amendment or statewide public measure, and in full the proposed
24 constitutional amendment or public measure. The number
25 assigned by the state commissioner or the letter assigned
26 by the county commissioner shall be included on the ballot
27 centered above the question, "Shall the following amendment to
28 the Constitution [or public measure] be adopted?".)

29 Shall the following amendment to the Constitution (or public
30 measure) be adopted?

31 (Here insert the summary, if it is for a constitutional
32 amendment or statewide public measure, and in full the proposed
33 constitutional amendment or public measure. The number
34 assigned by the state commissioner or the letter assigned
35 by the county commissioner shall be included on the ballot

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1 centered above the question, "Shall the following amendment to
2 the Constitution [or public measure] be adopted?".)

3 ☐ Yes

4 ☐ No

5 Sec. 14. Section 50.15A, Code 2013, is amended to read as
6 follows:

7 **50.15A Unofficial results of voting — ~~general election only.~~**

8 1. In order to provide the public with an early source
9 of election results before the official canvass of votes,
10 the state commissioner of elections, in cooperation with
11 the commissioners of elections, shall conduct an unofficial
12 canvass of election results following the closing of the
13 polls on the day of a primary election, general election,
14 or special election under section 69.14. The unofficial
15 canvass shall report election results for national offices,
16 statewide offices, the office of state representative, the
17 office of state senator, and other offices or public measures
18 at the discretion of the state commissioner of elections.
19 The unofficial canvass shall also report the total number of
20 ballots cast at the primary election, general election, or
21 special election under section 69.14.

22 2. a. After the polls close on election day for a primary
23 election, general election, or special election under section
24 69.14, the commissioner of elections shall periodically provide
25 election results to the state commissioner of elections as
26 the precincts in the county report election results to the
27 commissioner pursuant to section 50.11. If the commissioner
28 has access to the vote tabulating software necessary to produce
29 the election results in an electronic format, the commissioner
30 shall provide the election results required by this section in
31 an electronic format. If the commissioner determines that all
32 precincts will not report election results before the office is
33 closed, the commissioner shall report the most complete results
34 available prior to leaving the office at the time the office is
35 closed as provided in section 50.11. The commissioner shall

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1 specify the number of precincts included in the report to the
2 state commissioner of elections.

3 **b.** The state commissioner of elections shall tabulate
4 unofficial election results as the results are received from
5 the commissioners of elections and shall periodically make the
6 reports of the results available to the public.

7 3. Before the day of the primary election, general election,
8 or special election under section 69.14, the state commissioner
9 of elections shall provide a form and instructions for
10 reporting unofficial election results pursuant to this section.

11 Sec. 15. Section 50.48, subsection 1, paragraph b, Code
12 2013, is amended to read as follows:

13 **b.** Immediately upon receipt of a request for a recount,
14 the commissioner shall send a copy of the request to the
15 apparent winner by certified mail. The commissioner shall
16 also attempt to contact the apparent winner by telephone.
17 If the apparent winner cannot be reached within four days,
18 the chairperson of the political party or organization which
19 nominated the apparent winner shall be contacted or, in the
20 case of an election for a nonpartisan office, the entity or
21 officer responsible for making an appointment to fill a vacancy
22 in the office shall be contacted and shall act on behalf of the
23 apparent winner, if necessary. ~~For~~ On behalf of candidates for
24 partisan state or federal offices, the chairperson of the state
25 party shall be contacted. ~~For~~ On behalf of candidates for
26 partisan county offices, the county chairperson of the party
27 shall be contacted.

28 Sec. 16. Section 52.5, subsection 2, Code 2013, is amended
29 to read as follows:

30 2. The state commissioner shall formulate, with the advice
31 and assistance of the examiners, and adopt rules governing the
32 testing and examination of any optical scan voting system by
33 the board of examiners. The rules shall prescribe the method
34 to be used in determining whether the system is suitable for
35 use within the state and performance standards for voting

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1 equipment in use within the state. The rules shall provide
2 that all optical scan voting systems approved for use by the
3 examiners after April 9, 2003, shall meet voting systems
4 performance and test standards, as adopted ~~by the federal~~
5 ~~election commission on April 30, 2002, and pursuant to the~~
6 provisions of or as deemed adopted by Pub. L. No. 107-252,
7 § 222. The rules shall include standards for determining when
8 recertification is necessary following modifications to the
9 equipment or to the programs used in tabulating votes, and a
10 procedure for rescinding certification if a system is found
11 not to comply with performance standards adopted by the state
12 commissioner.

13 Sec. 17. Section 53.18, subsection 2, Code 2013, is amended
14 to read as follows:

15 2. If the commissioner receives the return envelope
16 containing the completed absentee ballot by 5:00 p.m. on the
17 Saturday before the election for general and primary elections
18 and by 5:00 p.m. on the Friday before the election for all
19 other elections, the commissioner shall open the envelope to
20 review the affidavit for completeness. If the affidavit is
21 incomplete, the commissioner shall, within twenty-four hours of
22 the time the envelope was received, notify the voter of that
23 fact and that the voter may complete the affidavit in person
24 at the office of the commissioner by 5:00 p.m. on the day
25 before the election, or in the case of an election at which the
26 polls open at noon on election day, by 10:00 a.m. on the date
27 of the election, vote a replacement ballot in the manner and
28 within the time period provided in subsection 3, or appear at
29 the voter's precinct polling place on election day and cast a
30 ballot in accordance with section 53.19, subsection 3.

31 Sec. 18. Section 53.30, Code 2013, is amended to read as
32 follows:

33 **53.30 Ballots, ballot envelopes, and other information**
34 **preserved.**

35 At the conclusion of each meeting of the absentee and special

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1 voter's precinct board, the board shall securely seal all
2 ballots counted by them in the manner prescribed in section
3 50.12. The ballot envelopes, including the envelope having the
4 registered voter's affidavit on it, the return envelope, and
5 secrecy envelope ~~bearing the signatures of precinct election~~
6 ~~officials~~, as required by section 53.23, shall be preserved.
7 All applications for absentee ballots, ballots rejected without
8 being opened, absentee ballot logs, and any other documents
9 pertaining to the absentee ballot process shall be preserved
10 until such time as the documents may be destroyed pursuant to
11 section 50.19.

12 Sec. 19. Section 53.39, subsection 2, Code 2013, is amended
13 to read as follows:

14 2. All official ballots to be voted by qualified absent
15 voters in the armed forces of the United States at the primary
16 election, and the general election, and special elections for
17 representative in Congress shall be printed prior to forty-five
18 days before the respective elections and shall be available for
19 transmittal to such qualified voters in the armed forces of the
20 United States at least forty-five days before the respective
21 elections. The provisions of this chapter apply to absent
22 voting by qualified voters in the armed forces of the United
23 States except as modified by the provisions of this division.

24 Sec. 20. Section 53.40, subsection 2, Code 2013, is amended
25 to read as follows:

26 2. The commissioner shall immediately ~~on~~ after the ballots
27 are available and no later than the forty-fifth day prior to
28 the particular primary election, general election, or special
29 election for representative in Congress transmit ballots to
30 the voter by mail or otherwise, postage prepaid, as directed
31 by the state commissioner, requests for which are in the
32 commissioner's hands at that time, and thereafter so transmit
33 ballots immediately upon receipt of requests. A request for
34 ballot for the primary election which does not state the party
35 affiliation of the voter making the request is void and of no

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1 effect. A request which does not show that the person for whom
2 a ballot is requested will be a qualified voter in the precinct
3 in which the ballot is to be cast on the day of the election for
4 which the ballot is requested, shall not be honored. However,
5 a request which states the age and the city, including street
6 address, and county where the voter resides is sufficient to
7 show that the person is a qualified voter. A request by the
8 voter containing substantially the information required is
9 sufficient.

10 Sec. 21. Section 53.47, Code 2013, is amended to read as
11 follows:

12 **53.47 Materials furnished by ~~department of administrative~~**
13 **~~services~~ state commissioner.**

14 1. In order to establish uniformity in size, weight
15 and other characteristics of the ballot and facilitate its
16 distribution and return, the ~~department of administrative~~
17 ~~services shall upon direction of the~~ state commissioner
18 shall purchase any material needed for any special ballots,
19 envelopes, and other printed matter, and sell any such
20 materials to the several counties of the state at cost plus
21 handling and transportation costs.

22 2. There is hereby appropriated to the ~~department of~~
23 ~~administrative services~~ state commissioner from the general
24 fund of the state such sums as may be necessary to purchase
25 any materials provided for herein. The proceeds from sale of
26 such materials to counties shall be turned into the general
27 fund of the state upon receipt of same by the ~~department of~~
28 ~~administrative services~~ state commissioner.

29 Sec. 22. Section 69.14, Code 2013, is amended to read as
30 follows:

31 **69.14 Special election to fill vacancies.**

32 A special election to fill a vacancy shall be held for a
33 representative in Congress, or senator or representative in the
34 general assembly, when the body in which such vacancy exists is
35 in session, or will convene prior to the next general election.

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1 ~~and the.~~ The governor shall order, not later than five days
2 from the date the vacancy exists, a special election, giving
3 not less than seventy-six days' notice of such election to
4 fill a vacancy in the office of representative in Congress or
5 forty days' notice of such election to fill a vacancy in the
6 office of senator or representative in the general assembly.
7 In the event the special election is to fill a vacancy in the
8 general assembly while it is in session or within forty-five
9 days of the convening of any session, the time limit provided
10 in this section shall not apply and the governor shall order
11 such special election at the earliest practical time, giving
12 at least eighteen days' notice of the special election. Any
13 special election called under this section must be held on
14 a Tuesday and shall not be held on the same day as a school
15 election within the district.

16 Sec. 23. Section 69.14A, subsection 1, paragraph a,
17 subparagraph (1), Code 2013, is amended to read as follows:

18 (1) The appointment shall be for the period until the next
19 pending election as defined in section 69.12, and shall be
20 made within ~~forty~~ sixty days after the vacancy occurs. If the
21 committee of county officers designated to fill the vacancy
22 chooses to proceed under this paragraph, the committee shall
23 publish notice in the manner prescribed by section 331.305
24 stating that the committee intends to fill the vacancy by
25 appointment but that the electors of the district or county,
26 as the case may be, have the right to file a petition requiring
27 that the vacancy be filled by special election. The committee
28 may publish notice in advance if an elected official submits
29 a resignation to take effect at a future date. The committee
30 may make an appointment to fill the vacancy after the notice is
31 published or after the vacancy occurs, whichever is later. A
32 person appointed to an office under this subsection shall have
33 actually resided in the county which the appointee represents
34 sixty days prior to appointment.

35 Sec. 24. Section 69.14A, subsection 2, paragraph a,

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1 subparagraph (1), Code 2013, is amended to read as follows:

2 (1) The appointment shall be for the period until the next
3 pending election as defined in section 69.12, and shall be made
4 within ~~forty~~ sixty days after the vacancy occurs. If the board
5 of supervisors chooses to proceed under this paragraph, the
6 board shall publish notice in the manner prescribed by section
7 331.305 stating that the board intends to fill the vacancy
8 by appointment but that the electors of the county have the
9 right to file a petition requiring that the vacancy be filled
10 by special election. The board may publish notice in advance
11 if an elected official submits a resignation to take effect
12 at a future date. The board may make an appointment to fill
13 the vacancy after the notice is published or after the vacancy
14 occurs, whichever is later. A person appointed to an office
15 under this subsection, except for a county attorney, shall have
16 actually resided in the county which the appointee represents
17 sixty days prior to appointment. A person appointed to the
18 office of county attorney shall be a resident of the county at
19 the time of appointment.

20 Sec. 25. Section 372.13, subsection 2, paragraph a, Code
21 2013, is amended to read as follows:

22 a. (1) By appointment by the remaining members of the
23 council, except that if the remaining members do not constitute
24 a quorum of the full membership, paragraph "b" shall be
25 followed. The appointment shall be made within sixty days
26 after the vacancy occurs and shall be for the period until the
27 next pending election as defined in section 69.12, and shall
28 be made within forty days after the vacancy occurs regular
29 city election described in section 376.1, unless there is an
30 intervening special election in that city, in which event the
31 election for the office shall be placed on the ballot at such
32 special election.

33 (2) If the council chooses to proceed under this paragraph,
34 it shall publish notice in the manner prescribed by section
35 362.3, stating that the council intends to fill the vacancy

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1 by appointment but that the electors of the city or ward, as
2 the case may be, have the right to file a petition requiring
3 that the vacancy be filled by a special election. The council
4 may publish notice in advance if an elected official submits
5 a resignation to take effect at a future date. The council
6 may make an appointment to fill the vacancy after the notice
7 is published or after the vacancy occurs, whichever is later.
8 However, if within fourteen days after publication of the
9 notice or within fourteen days after the appointment is made,
10 there is filed with the city clerk a petition which requests a
11 special election to fill the vacancy, an appointment to fill
12 the vacancy is temporary and the council shall call a special
13 election to fill the vacancy permanently, under paragraph "b".
14 The number of signatures of eligible electors of a city for a
15 valid petition shall be determined as follows:
16 ~~(1)~~ (a) For a city with a population of ten thousand or
17 less, at least two hundred signatures or at least the number of
18 signatures equal to fifteen percent of the voters who voted for
19 candidates for the office at the preceding regular election at
20 which the office was on the ballot, whichever number is fewer.
21 ~~(2)~~ (b) For a city with a population of more than ten
22 thousand but not more than fifty thousand, at least one
23 thousand signatures or at least the number of signatures equal
24 to fifteen percent of the voters who voted for candidates for
25 the office at the preceding regular election at which the
26 office was on the ballot, whichever number is fewer.
27 ~~(3)~~ (c) For a city with a population of more than fifty
28 thousand, at least two thousand signatures or at least the
29 number of signatures equal to ten percent of the voters who
30 voted for candidates for the office at the preceding regular
31 election at which the office was on the ballot, whichever
32 number is fewer.
33 ~~(4)~~ (d) The minimum number of signatures for a valid
34 petition pursuant to ~~subparagraphs (1) through (3)~~ subparagraph divisions
35 (a) through (c) shall not be fewer than ten. In

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1 determining the minimum number of signatures required, if at
2 the last preceding election more than one position was to be
3 filled for the office in which the vacancy exists, the number
4 of voters who voted for candidates for the office shall be
5 determined by dividing the total number of votes cast for the
6 office by the number of seats to be filled.

7 Sec. 26. EFFECTIVE UPON ENACTMENT. The following
8 provision or provisions of this Act, being deemed of immediate
9 importance, take effect upon enactment:

10 1. The section of this Act amending section 43.24,
11 subsection 1, paragraph "b".

12 2. The section of this Act amending section 43.24,
13 subsection 2, paragraph "b".

14 3. The section of this Act amending section 43.88.

15 4. The section of this Act amending section 44.4, subsection
16 1.

17 5. The section of this Act amending section 44.4, subsection
18 2, paragraph "a".

19 6. The section of this Act amending section 53.39,
20 subsection 2.

21 7. The section of this Act amending section 53.40,
22 subsection 2.

23 8. The section of this Act amending section 69.14.

24 EXPLANATION

25 This bill relates to the technical administration of
26 election and voter registration laws generally.

27 The bill amends Code section 43.16, relating to withdrawal
28 of a primary election candidate, and Code section 43.23,
29 relating to replacement of a primary election candidate who
30 has withdrawn or died, to add the clock time of 5:00 p.m. to
31 the current deadline dates. The bill also amends Code section
32 43.24, relating to filing objections to primary election
33 nominations, to add the clock time of 5:00 p.m. to the current
34 deadline dates.

35 The bill amends Code section 43.72 to specify that the state

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1 commissioner of elections has the authority to electronically
2 preserve certain abstracts and certificates from primary
3 elections.

4 The bill amends Code section 48A.30 to provide that in
5 canceling the registration of a registered voter, a county
6 commissioner of elections may accept an obituary posted on a
7 funeral home internet site as evidence of death.

8 The bill amends Code section 48A.32 to allow a county
9 commissioner of elections, following receipt of a person's
10 incomplete voter registration application, to destroy all
11 records and electronic records of that person's registration 22
12 months after the next general election. The Code section is
13 also amended to specify that a county commissioner of elections
14 may destroy the electronic records of canceled registrations.

15 The bill amends Code section 49.45 to allow ballots for
16 constitutional amendments and other public measures to be
17 published in one of two forms.

18 The bill amends Code section 50.15A to require that a
19 county commissioner of elections provide unofficial election
20 results to the state commissioner of elections for, and that
21 the state commissioner provide certain materials to the county
22 commissioners in advance of, all primary elections and special
23 elections to fill vacancies in the general assembly or office
24 of representative in Congress. Current law already requires
25 that county commissioners provide such results and materials
26 for general elections. The bill also requires that for a
27 primary election, general election, or special election to fill
28 vacancies in the general assembly or office of representative
29 in Congress, a county commissioner of elections provide the
30 state commissioner of elections with election results in an
31 electronic format if the county commissioner has access to the
32 vote tabulating software necessary to produce the results in an
33 electronic format.

34 The bill amends Code section 50.48 to require that in the
35 case of a recount of an election for a nonpartisan office, if

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1 the apparent winner cannot be reached within four days after
2 receipt of a request for a recount, the county commissioner of
3 elections shall contact the entity or officer responsible for
4 making an appointment to a vacancy in the nonpartisan office.

5 The bill amends Code section 52.5, relating to the testing
6 and examination of voting equipment, to remove a reference to
7 specific performing and test standards adopted by the federal
8 election commission on April 30, 2002, but to maintain a
9 reference to the adoption of such standards pursuant to Pub.
10 L. No. 107-252, § 222.

11 The bill amends Code section 53.18 which requires that
12 a county commissioner of elections notify a voter that the
13 voter is allowed the opportunity to complete an affidavit,
14 if the affidavit that accompanies the absentee ballot is
15 incomplete, within 24 hours of the county commissioner
16 receiving the absentee ballot. The bill requires that the
17 county commissioner notify such a voter by 10:00 a.m. on the
18 date of the election in the case of an election at which the
19 polls open at noon.

20 The bill amends Code section 53.30 to remove a reference to
21 a requirement that precinct election officials sign the secrecy
22 envelopes that are included with absentee ballots. That
23 requirement was repealed in 2008.

24 The bill amends Code section 53.47, relating to military
25 and overseas voters, to require that the state commissioner
26 of elections purchase any materials needed for any special
27 ballots, envelopes, and other printed materials, and sell such
28 materials to the several counties of the state. Current law
29 requires that the department of administrative services conduct
30 these functions at the direction of the state commissioner of
31 elections. The bill also directs general funds appropriated
32 for these purposes to the state commissioner of elections
33 instead of to the department of administrative services.

34 In order to comply with the provisions of the 2009 Military
35 and Overseas Voter Empowerment Act, the bill amends Code

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1 section 69.14 to provide that for vacancies in the office
2 of representative in Congress the governor shall give not
3 less than 76 days' notice, rather than 40 days' notice, of
4 the special election to fill the vacancy. The bill makes
5 corresponding changes to Code section 43.24, relating to
6 deadlines for filing objections, and to Code section 43.88,
7 relating to the deadline for filing nomination petitions. The
8 bill makes corresponding changes to Code section 44.4, relating
9 to deadlines for nominations made by nonparty political
10 organizations to fill a vacancy for representatives in Congress
11 or the general assembly and objections to those nominations.
12 The bill also makes corresponding amendments to Code sections
13 53.39 and 53.40 to add special elections for representative in
14 Congress to provisions relating to availability of ballots for
15 qualified voters in the armed forces. These provisions of the
16 bill take effect upon enactment.

17 The bill requires that certain appointments for elective
18 county and city office be made within 60 days of a vacancy
19 occurring in the elective office. The bill requires that if
20 a vacancy in an elective city office is filled by appointment
21 of the remaining members of the city council, that such
22 appointment be for the period until the next general election
23 for a city, as described in the bill, or the next regular city
24 election, as defined in statute. If, however, there is an
25 intervening special election in that city, then the election
26 for the office shall be placed on the ballot at the special
27 election.



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House File 247 - Introduced

HOUSE FILE 247
BY KELLEY

A BILL FOR

1 An Act requiring that land within a levee or drainage district
2 be included in an abstract of title.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2291YH (2) 85
da/sc



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1 Section 1. NEW SECTION. **468.12A Abstract.**
2 An attorney or abstractor who prepares an abstract of
3 title for land located within an existing levee or drainage
4 district shall indicate that the land is part of such district.
5 The county where the land is located shall provide records
6 necessary for the attorney or abstractor to prepare the
7 abstract.

8 EXPLANATION
9 This bill applies to land located within a levee or drainage
10 district. An attorney or abstractor must indicate that the
11 land is part of such district when preparing an abstract of
12 title. The county where the land is located must provide
13 records necessary for the preparation.



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House File 248 - Introduced

HOUSE FILE 248
BY GARRETT and WORTHAN

A BILL FOR

1 An Act relating to jurisdictional changes to small claims court
2 cases.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1568HH (3) 85
rh/rj



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1 Section 1. Section 631.1, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. The ~~following~~ actions or claims described in this section
4 are small claims and shall be commenced, heard, and determined
5 as provided in this chapter.

6 1A. A civil action for a money judgment where the amount
7 in controversy is ~~four thousand dollars or less for actions~~
8 ~~commenced before July 1, 2002, and five thousand dollars or~~
9 ~~less for actions commenced on or after~~ before July 1, 2002
10 2013, and ten thousand dollars or less for actions commenced on
11 or after July 1, 2013, exclusive of interest and costs.

12 Sec. 2. Section 631.1, subsections 3, 4, 5, 7, and 8, Code
13 2013, are amended to read as follows:

14 3. The district court sitting in small claims has concurrent
15 jurisdiction of an action of replevin if the value of the
16 property claimed is ~~four thousand dollars or less for actions~~
17 ~~commenced before July 1, 2002, and five thousand dollars or~~
18 ~~less for actions commenced on or after~~ before July 1, 2002
19 2013, and ten thousand dollars or less for actions commenced on
20 or after July 1, 2013. When commenced under this chapter, the
21 action is a small claim for the purposes of this chapter.

22 4. The district court sitting in small claims has concurrent
23 jurisdiction of motions and orders relating to executions
24 against personal property, including garnishments, where the
25 value of the property or garnisheed money involved is ~~four~~
26 ~~thousand dollars or less for actions commenced before July 1,~~
27 ~~2002, and five thousand dollars or less for actions commenced~~
28 ~~on or after~~ before July 1, 2002 2013, and ten thousand dollars
29 or less for actions commenced on or after July 1, 2013.

30 5. The district court sitting in small claims has concurrent
31 jurisdiction of an action for abandonment of a manufactured or
32 mobile home or personal property pursuant to section 555B.3, if
33 no money judgment is sought in excess of ~~four thousand dollars~~
34 ~~is sought for actions commenced before July 1, 2002, and five~~
35 ~~thousand dollars or less for actions commenced on or after~~

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1 before July 1, 2002 2013, and ten thousand dollars for actions
2 commenced on or after July 1, 2013. If commenced under this
3 chapter, the action is a small claim for the purposes of this
4 chapter.

5 7. The district court sitting in small claims has concurrent
6 jurisdiction of an action for the collection of taxes brought
7 by a county treasurer pursuant to sections 445.3 and 445.4
8 where the amount in controversy is five thousand dollars or
9 less for actions commenced ~~on or after~~ before July 1, 2003
10 2013, and ten thousand dollars or less for actions commenced on
11 or after July 1, 2013, exclusive of interest and costs.

12 8. The district court sitting in small claims has concurrent
13 jurisdiction of motions and orders relating to releases of
14 judgments in whole or in part including motions and orders
15 under section 624.23, subsection 2, paragraph "c" and section
16 624.37, where the amount owing on the judgment, including
17 interests and costs, is five thousand dollars or less for
18 actions commenced before July 1, 2013, and ten thousand dollars
19 or less for actions commenced on or after July 1, 2013.

20 Sec. 3. JURISDICTIONAL AMOUNT REVERSION. The
21 jurisdictional amount in the sections of this Act that amend
22 section 631.1, shall revert to five thousand dollars if a court
23 of competent jurisdiction declares the ten thousand dollar
24 amount unconstitutional.

25 EXPLANATION

26 This bill makes jurisdictional changes to small claims
27 court cases. The bill provides that a small claims court case
28 commenced on or after July 1, 2013, shall not involve damages
29 or value in excess of \$10,000. Under existing law, a small
30 claims court case shall not involve damages or value in excess
31 of \$5,000. The bill further provides that the jurisdictional
32 amount shall revert to \$5,000 if a court finds the \$10,000
33 amount unconstitutional. By increasing the jurisdictional
34 amount for small claims court the bill expands the jurisdiction
35 of a magistrate or district associate judge to hear and

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1 assess judgment on certain actions, including county and city
2 violations.



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House File 249 - Introduced

HOUSE FILE 249
BY BACON

A BILL FOR

1 An Act excluding certain poppers and snappers from the
2 definition of fireworks whose sale or use is prohibited.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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ec/nh



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1 Section 1. Section 727.2, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. The term "*fireworks*" includes any explosive composition,
4 or combination of explosive substances, or article prepared
5 for the purpose of producing a visible or audible effect
6 by combustion, explosion, deflagration, or detonation, and
7 includes blank cartridges, firecrackers, torpedoes, skyrockets,
8 roman candles, or other fireworks of like construction and
9 fireworks containing any explosive or flammable compound, or
10 other device containing any explosive substance. The term
11 "*fireworks*" does not include goldstar-producing sparklers on
12 wires which contain no magnesium or chlorate or perchlorate,
13 flitter sparklers in paper tubes that do not exceed one-eighth
14 of an inch in diameter, toy snakes which contain no mercury,
15 or caps used in cap pistols, or party poppers, string poppers,
16 or snappers, each consisting of not more than twenty-five
17 hundredths grains of explosive mixture.

18 EXPLANATION

19 This bill excludes party poppers, string poppers, and
20 snappers from the definition of fireworks which are not
21 authorized for sale to the public.



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House File 250 - Introduced

HOUSE FILE 250
BY FRY

A BILL FOR

1 An Act relating to the operation of off-road utility vehicles
2 on secondary roads upon registration with the department of
3 transportation, providing a registration fee, and providing
4 penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2065YH (2) 85
dea/nh



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1 Section 1. Section 321.1, subsections 32 and 47A, Code 2013,
2 are amended to read as follows:

3 32. *"Implement of husbandry"* means a vehicle or special
4 mobile equipment manufactured, designed, or reconstructed
5 for agricultural purposes and, except for incidental uses,
6 exclusively used in the conduct of agricultural operations.
7 *"Implements of husbandry"* includes all-terrain vehicles operated
8 in compliance with section 321.234A, subsection 1, paragraph
9 *"a"*, but not registered for operation upon a highway pursuant
10 to section 321.118, fence-line feeders, and vehicles used
11 exclusively for the application of organic or inorganic plant
12 food materials, organic agricultural limestone, or agricultural
13 chemicals. To be considered an implement of husbandry, a
14 self-propelled implement of husbandry must be operated at
15 speeds of thirty-five miles per hour or less.

16 a. *"Reconstructed"* as used in this subsection means
17 materially altered from the original construction by the
18 removal, addition, or substitution of essential parts, new or
19 used.

20 b. A vehicle covered under this subsection, if it otherwise
21 qualifies, may be operated as special mobile equipment
22 and under such circumstances this subsection shall not be
23 applicable to such vehicle, and such vehicle shall not be
24 required to comply with sections 321.384 through 321.423, when
25 such vehicle is moved during daylight hours; however, the
26 provisions of section 321.383 shall remain applicable to such
27 vehicle.

28 47A. *"Off-road utility vehicle"* means a motorized
29 ~~flotation-tire~~ vehicle with not less than four and not more
30 than eight ~~low-pressure~~ nonhighway tires that is limited in
31 engine displacement to less than one thousand five hundred
32 cubic centimeters and in total dry weight to not more than ~~one~~
33 two thousand eight hundred pounds and that has a seat that is
34 of bucket or bench design, not intended to be straddled by the
35 operator, and a steering wheel or control levers for control.

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1 Sec. 2. Section 321.105A, subsection 2, paragraph c, Code
2 2013, is amended by adding the following new subparagraph:
3 NEW SUBPARAGRAPH. (31) An off-road utility vehicle, if the
4 owner paid the sales tax required under section 423.2 at the
5 time the vehicle was purchased.

6 Sec. 3. Section 321.109, subsection 1, paragraph a, Code
7 2013, is amended to read as follows:

8 a. The annual fee for all motor vehicles including vehicles
9 designated by manufacturers as station wagons, 1993 and
10 subsequent model year multipurpose vehicles, and 2010 and
11 subsequent model year motor trucks with an unladen weight of
12 ten thousand pounds or less, except motor trucks registered
13 under section 321.122, business-trade trucks, special trucks,
14 motor homes, ambulances, hearses, off-road utility vehicles,
15 motorcycles, motorized bicycles, and 1992 and older model year
16 multipurpose vehicles, shall be equal to one percent of the
17 value as fixed by the department plus forty cents for each one
18 hundred pounds or fraction thereof of weight of vehicle, as
19 fixed by the department. The weight of a motor vehicle, fixed
20 by the department for registration purposes, shall include
21 the weight of a battery, heater, bumpers, spare tire, and
22 wheel. Provided, however, that for any new vehicle purchased
23 in this state by a nonresident for removal to the nonresident's
24 state of residence the purchaser may make application to the
25 county treasurer in the county of purchase for a transit plate
26 for which a fee of ten dollars shall be paid. And provided,
27 however, that for any used vehicle held by a registered dealer
28 and not currently registered in this state, or for any vehicle
29 held by an individual and currently registered in this state,
30 when purchased in this state by a nonresident for removal to
31 the nonresident's state of residence, the purchaser may make
32 application to the county treasurer in the county of purchase
33 for a transit plate for which a fee of three dollars shall
34 be paid. The county treasurer shall issue a nontransferable
35 certificate of registration for which no refund shall be

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1 allowed; and the transit plates shall be void thirty days
2 after issuance. Such purchaser may apply for a certificate
3 of title by surrendering the manufacturer's or importer's
4 certificate or certificate of title, duly assigned as provided
5 in this chapter. In this event, the treasurer in the county
6 of purchase shall, when satisfied with the genuineness and
7 regularity of the application, and upon payment of a fee of
8 twenty dollars, issue a certificate of title in the name and
9 address of the nonresident purchaser delivering the title
10 to the owner. If there is a security interest noted on the
11 title, the county treasurer shall mail to the secured party an
12 acknowledgment of the notation of the security interest. The
13 county treasurer shall not release a security interest that
14 has been noted on a title issued to a nonresident purchaser
15 as provided in this paragraph. The application requirements
16 of section 321.20 apply to a title issued as provided in this
17 subsection, except that a natural person who applies for a
18 certificate of title shall provide either the person's social
19 security number, passport number, or driver's license number,
20 whether the license was issued by this state, another state, or
21 another country. The provisions of this subsection relating to
22 multipurpose vehicles are effective for all 1993 and subsequent
23 model years. The annual registration fee for multipurpose
24 vehicles that are 1992 model years and older shall be in
25 accordance with section 321.124.

26 Sec. 4. NEW SECTION. 321.118 Off-road utility vehicles —
27 registration.

28 The owner of an off-road utility vehicle that is registered
29 pursuant to chapter 321I may also register the off-road utility
30 vehicle under this chapter, to be operated on secondary roads
31 as provided in section 321.234B.

32 1. Notwithstanding section 321.20, an owner wishing to
33 register an off-road utility vehicle shall file an application
34 with the county treasurer of the county of the owner's
35 residence containing the full legal name, social security

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1 number or Iowa driver's license number or Iowa nonoperator's
2 identification card number, date of birth, bona fide residence,
3 mailing address of the owner, and such further information as
4 may reasonably be required by the department. The application
5 shall be accompanied by a copy of the certificate of title for
6 the vehicle issued pursuant to section 321I.31.

7 2. The annual registration fee for an off-road utility
8 vehicle is ten dollars.

9 Sec. 5. Section 321.166, subsection 1, paragraph a, Code
10 2013, is amended to read as follows:

11 a. Registration plates shall be of metal and of a size not
12 to exceed six inches by twelve inches, except that the size of
13 plates issued for use on off-road utility vehicles, motorized
14 bicycles, motorcycles, motorcycle trailers, and trailers
15 with an empty weight of two thousand pounds or less shall be
16 established by the department.

17 Sec. 6. Section 321.166, subsection 4, Code 2013, is amended
18 to read as follows:

19 4. The registration plate number, except on off-road
20 utility vehicles, motorized bicycles, motorcycles, motorcycle
21 trailers, and trailers with an empty weight of two thousand
22 pounds or less, shall be of sufficient size to be readable from
23 a distance of one hundred feet during daylight.

24 Sec. 7. Section 321.234A, Code 2013, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 5. The provisions of this section do not
27 apply to an off-road utility vehicle operated on a highway in
28 accordance with section 321.234B.

29 Sec. 8. NEW SECTION. 321.234B **Registered off-road utility**
30 **vehicles — operation on highways.**

31 An off-road utility vehicle which is registered under this
32 chapter may be operated on a secondary road subject to all of
33 the following:

34 1. *Persons who may operate.* A person shall not operate an
35 off-road utility vehicle on a highway unless the person is

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1 sixteen years of age or older and has a valid driver's license
2 other than a license valid only for operation of a motorized
3 bicycle.

4 2. *Operation on certain highways only.* Off-road utility
5 vehicles registered under section 321.118 may be operated on
6 secondary roads, but shall not be operated on highways within
7 the corporate limits of a city and shall not be operated on a
8 primary highway except to cross the primary highway; however,
9 the provisions of section 321.10 govern the crossing of a
10 primary highway when the off-road utility vehicle is being
11 operated on an all-terrain vehicle trail.

12 3. *Motor vehicle laws applicable.* The motor vehicle
13 laws, including but not limited to the provisions of sections
14 321.20B, 321.317, 321.385, and 321.387, apply to the operation
15 of off-road utility vehicles registered for operation on
16 highways, except for those provisions relating to required
17 equipment which by their nature can have no practical
18 application.

19 4. *Penalties.* A person convicted of a violation of
20 subsection 1 or 2 is guilty of a simple misdemeanor punishable
21 as a scheduled violation under section 805.8A, subsection 6.

22 Sec. 9. Section 321.9, unnumbered paragraph 1, Code 2013,
23 is amended to read as follows:

24 Registration under this chapter shall not be required for
25 the following described all-terrain vehicles:

26 Sec. 10. Section 321.10, subsections 1 through 3, Code
27 2013, are amended to read as follows:

28 1. A person shall not operate an all-terrain vehicle or
29 off-road utility vehicle upon roadways or highways except as
30 provided in ~~section~~ sections 321.234A and 321.234B and this
31 section.

32 2. ~~A registered~~ An all-terrain vehicle or off-road utility
33 vehicle registered under this chapter may be operated on
34 the roadways of that portion of county highways designated
35 by the county board of supervisors for such use during a



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1 specified period. The county board of supervisors shall
2 evaluate the traffic conditions on all county highways and
3 designate roadways on which all-terrain vehicles or off-road
4 utility vehicles may be operated for the specified period
5 without unduly interfering with or constituting an undue
6 hazard to conventional motor vehicle traffic. In designating
7 such roadways, the board may authorize all-terrain vehicles
8 and off-road utility vehicles to stop at service stations or
9 convenience stores along a designated roadway.

10 3. Cities may designate streets under the jurisdiction of
11 cities within their respective corporate limits which may be
12 used for the operation of ~~registered~~ all-terrain vehicles or
13 ~~registered~~ off-road utility vehicles registered under this
14 chapter. In designating such streets, the city may authorize
15 all-terrain vehicles and off-road utility vehicles to stop
16 at service stations or convenience stores along a designated
17 street.

18 Sec. 11. Section 805.8A, subsection 6, Code 2013, is amended
19 by adding the following new paragraph:

20 NEW PARAGRAPH. *0a.* Section 321.234B, subsection 1
21 or 2.....\$50.

22 EXPLANATION

23 This bill provides for the registration of off-road utility
24 vehicles for operation on secondary roads.

25 The bill amends the definition of "off-road utility
26 vehicle", for purposes of Code chapter 321, to mean a motorized
27 vehicle with not less than four and not more than eight
28 nonhighway tires that is limited in engine displacement to less
29 than 1,500 cubic centimeters and in total dry weight to not
30 more than 2,000 pounds and that has a seat that is of bucket
31 or bench design, not intended to be straddled by the operator,
32 and a steering wheel or control levers for control. This
33 definition closely matches the definition in Code chapter 321I,
34 except that it excludes rubber-tracked vehicles. Currently,
35 the department of natural resources regulates off-road utility

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1 vehicles pursuant to Code chapter 321I for purposes of off-road
2 recreational use. Off-road utility vehicles are not permitted
3 on Iowa highways, except under limited circumstances.

4 Under the bill, the owner of an off-road utility vehicle
5 may register the vehicle with the department of transportation
6 by making application to the county treasurer of the owner's
7 county of residence. The application must be accompanied by a
8 copy of the certificate of title for the vehicle issued by the
9 department of natural resources. The annual registration fee
10 for an off-road utility vehicle is \$10.

11 The size of license plates to be issued for off-road
12 utility vehicles will be determined by the department of
13 transportation. Because off-road utility vehicles are
14 currently subject to sales tax, the bill provides that off-road
15 utility vehicles are exempt from the fee for new registration
16 imposed on vehicles subject to registration, so long as
17 the owner has paid the sales tax at the time of purchase.
18 Registration with the department of transportation does not
19 exempt the owner from the current requirement to register
20 the off-road utility vehicle with the department of natural
21 resources.

22 The bill provides that an off-road utility vehicle
23 registered with the department of transportation may be
24 operated on secondary roads, but not on primary highways,
25 except to cross over a primary highway, and not on highways
26 within the corporate limits of a city.

27 The bill states that a person who operates an off-road
28 utility vehicle on a highway must be at least 16 years of
29 age and have a valid driver's license other than a license
30 valid only for the operation of a motorized bicycle. Iowa
31 motor vehicle laws apply to the operation of off-road utility
32 vehicles on highways except those equipment provisions which
33 by their nature can have no practical application. The bill
34 specifies that the operator of an off-road utility vehicle must
35 carry proof of motor vehicle financial liability coverage,

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1 and the off-road utility vehicle must meet requirements for
2 headlamps, rear lamps, and turn signals.

3 Under current law, a person who operates an off-road utility
4 vehicle on a highway in violation of current restrictions
5 commits a simple misdemeanor punishable by a scheduled fine of
6 \$50. The bill establishes the same penalty for a person who
7 operates a registered off-road utility vehicle in violation of
8 minimum age and licensing requirements or on a highway where
9 off-road utility vehicle operation is not authorized.

10 The bill makes conforming amendments to Code chapter 321I,
11 relating to the regulation of off-road utility vehicles by the
12 department of natural resources and to permissible operation on
13 city and county roads pursuant to that Code chapter.



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House File 251 - Introduced

HOUSE FILE 251
BY KELLEY

A BILL FOR

1 An Act relating to state military service by providing mortgage
2 foreclosure and real estate protections for certain military
3 service members.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2337YH (1) 85
rh/sc



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H.F. 251

1 Section 1. Section 29A.103, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. The creditor of a service member who, prior to entry into
4 military service, has entered into a mortgage contract with the
5 service member for the purchase of real or personal property
6 shall not foreclose on the mortgage or repossess the property
7 for nonpayment or for any breach occurring during military
8 service or for nine months after release or discharge from
9 military service without an order from a court of competent
10 jurisdiction.

11 EXPLANATION

12 Current law provides that a creditor of a service member who,
13 prior to entering military service, entered into a mortgage
14 contract with the service member for the purchase of real
15 or personal property shall not foreclose on the mortgage or
16 repossess the property for nonpayment or for any breach during
17 the service member's military service without an order from
18 a court of competent jurisdiction. The bill extends this
19 protection against mortgage foreclosures for nine months
20 after the service member's release or discharge from military
21 service.



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House File 252 - Introduced

HOUSE FILE 252
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 69)

A BILL FOR

1 An Act relating to beginning farmers by modifying the
2 agricultural assets transfer tax credit, providing a
3 custom farming contract tax credit, and terminating
4 the agricultural loan assistance program, and including
5 effective date and retroactive applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 2.48, subsection 3, paragraph e,
2 subparagraph (1), Code 2013, is amended to read as follows:

3 (1) The agricultural assets transfer tax credit under
4 section 175.37 and the custom farming contract tax credit as
5 provided in section 175.38.

6 Sec. 2. Section 175.2, subsection 1, Code 2013, is amended
7 by adding the following new paragraphs:

8 NEW PARAGRAPH. *0h. "Beginning farmer tax credit program"*
9 means all of the following:

10 (1) The agricultural assets transfer tax credit as provided
11 in section 175.37.

12 (2) The custom farming contract tax credit as provided in
13 section 175.38.

14 NEW PARAGRAPH. *0t. "Production item"* includes tools,
15 machinery, or equipment that is principally used to produce
16 crops or livestock.

17 NEW PARAGRAPH. *00t. "Qualified beginning farmer"* means a
18 beginning farmer who meets the requirements to participate in
19 a beginning farmer tax credit program as provided in section
20 175.36A.

21 NEW PARAGRAPH. *v. "Veteran"* means the same as defined in
22 section 35.1.

23 Sec. 3. Section 175.4, subsection 18, Code 2013, is amended
24 by striking the subsection.

25 Sec. 4. Section 175.8, subsection 2, Code 2013, is amended
26 to read as follows:

27 2. a. The annual report shall ~~identify performance~~ include
28 all of the following:

29 (1) Performance goals of the authority, ~~and.~~ The report
30 shall clearly indicate the extent of progress during the
31 reporting period, ~~in attaining the goals.~~

32 (2) An evaluation of the success of its programs, with
33 a special emphasis on the beginning farmer loan program as
34 provided in section 175.12, and the beginning farmer tax credit
35 program.

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1 b. Where possible, the findings and results of its
2 performance goals and evaluation shall be expressed in terms of
3 number of loans, tax credits, participating qualified beginning
4 farmers, and acres of agricultural land, including by county.

5 Sec. 5. NEW SECTION. 175.36A Criteria for beginning farmers
6 participating in the beginning farmer tax credit program.

7 A beginning farmer qualifies to participate in the beginning
8 farmer tax credit program, by meeting all of the following
9 criteria:

10 1. Is a resident of the state. If the beginning farmer is a
11 partnership, all partners must be residents of the state. If a
12 beginning farmer is a family farm corporation, all shareholders
13 must be residents of the state. If the beginning farmer is
14 a family farm limited liability company, all members must be
15 residents of the state.

16 2. Has sufficient education, training, or experience in
17 farming. If the beginning farmer is a partnership, each
18 partner who is not a minor must have sufficient education,
19 training, or experience in farming. If the beginning farmer
20 is a family farm corporation, each shareholder who is not a
21 minor must have sufficient education, training, or experience
22 farming. If the beginning farmer is a family farm limited
23 liability company, each member who is not a minor must have
24 sufficient education, training, or experience in farming.

25 3. Has access to adequate working capital and production
26 items.

27 4. Will materially and substantially participate in
28 farming. If the beginning farmer is a partnership, family
29 farm corporation, or family farm limited liability company,
30 each partner, shareholder, or member who is not a minor must
31 materially and substantially participate in farming.

32 5. Is not responsible for managing or maintaining
33 agricultural land and other agricultural assets that are
34 greater than necessary to adequately support a beginning farmer
35 as determined by the authority according to rules which shall

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1 be adopted by the authority.

2 Sec. 6. NEW SECTION. 175.36B Administration of beginning
3 farmer tax credit program.

4 1. To every extent practicable, the authority shall
5 administer tax credits under the beginning farmer tax credit
6 program in a uniform manner that encourages participation by
7 qualified beginning farmers. The authority shall determine a
8 qualified beginning farmer's low or moderate net worth by using
9 a single method applicable to all its programs, including the
10 beginning farmer tax credit program.

11 2. The authority shall establish a due date to receive
12 applications to participate in the beginning farmer tax credit
13 program. The authority may establish different due dates for
14 applications to qualify for each beginning farmer tax credit.

15 3. The department of revenue shall cooperate with the
16 authority in administering the beginning farmer tax credit
17 program.

18 Sec. 7. Section 175.37, subsection 1, Code 2013, is amended
19 to read as follows:

20 1. An agricultural assets transfer tax credit is allowed
21 under this section. The tax credit is allowed against the
22 taxes imposed in chapter 422, division II, as provided in
23 section 422.11M, and in chapter 422, division III, as provided
24 in section 422.33, to facilitate the transfer of agricultural
25 assets from a taxpayer to a qualified beginning farmer.

26 Sec. 8. Section 175.37, subsection 2, paragraph b, Code
27 2013, is amended to read as follows:

28 b. Execute an agricultural assets transfer agreement with a
29 qualified beginning farmer as provided in this section.

30 Sec. 9. Section 175.37, subsection 4, Code 2013, is amended
31 to read as follows:

32 4. The tax credit is allowed only for agricultural assets
33 that are subject to an agricultural assets transfer agreement.
34 The agreement shall provide for the lease of agricultural land
35 located in this state, including any improvements and may

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1 provide for the rental of agricultural equipment as defined in
2 section 322F.1.

3 ~~a.~~ The agreement ~~may be~~ shall include a lease made on a cash
4 basis or on a commodity share basis which includes a share of
5 the crops or livestock produced on the agricultural land. The
6 agreement must be in writing.

7 ~~b.~~ The agreement shall be for at least two years, but
8 not more than five years. The agreement or that part of
9 the agreement providing for the lease may be renewed by the
10 qualified beginning farmer for a term of at least two years,
11 but not more than five years. An agreement does not include a
12 lease or the rental of equipment intended as a security.

13 ~~c.~~ The agricultural transfer agreement cannot be assigned
14 and the land subject to the agreement cannot be subleased.

15 Sec. 10. Section 175.37, subsection 5, Code 2013, is amended
16 to read as follows:

17 5. The tax credit shall be ~~calculated~~ based on ~~the gross~~
18 ~~amount paid to the taxpayer under~~ the agricultural assets
19 transfer agreement. The agreement shall be based on a cash
20 basis or a commodity share basis or both.

21 ~~a. Except as provided in paragraph "b", For an agreement~~
22 that includes a lease on a cash basis, the tax credit shall
23 equal five be computed as follows:

24 (1) If the qualified beginning farmer is not a veteran, the
25 taxpayer may claim a tax credit equal to seven percent of the
26 gross amount paid to the taxpayer under the agreement for each
27 tax year that the tax credit is allowed.

28 (2) If the qualified beginning farmer is a veteran, the
29 taxpayer may claim eight percent of the gross amount paid to
30 the taxpayer under the agreement for the first year that the
31 tax credit is allowed and seven percent of the gross amount
32 paid to the taxpayer for each subsequent tax year that the
33 tax credit is allowed. However, the taxpayer may only claim
34 seven percent of the gross amount paid to the taxpayer under
35 a renewed agreement or a new agreement executed by the same

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1 parties.

2 b. The For an agreement that includes a lease on a commodity
3 share basis, the tax credit shall equal fifteen be computed as
4 follows:

5 (1) (a) If the qualified beginning farmer is not a veteran,
6 seventeen percent of the amount paid to the taxpayer from crops
7 or animals sold under an the agreement in which the payment is
8 exclusively made from the sale of crops or animals.

9 (b) If the qualified beginning farmer is a veteran, the
10 taxpayer may claim a tax credit equal to eighteen percent of
11 the amount paid to the taxpayer from crops or animals sold
12 under the agreement for the first tax year that the taxpayer
13 is allowed the tax credit and seventeen percent of the amount
14 paid to the taxpayer for each subsequent tax year that the
15 taxpayer is allowed the tax credit. However, the taxpayer may
16 only claim seventeen percent of the amount paid to the taxpayer
17 from crops or animals sold for any tax year under a renewed
18 agreement or a new agreement executed by the same parties.

19 (2) Notwithstanding subparagraph (1), the authority may
20 elect an alternative method to compute a tax credit for a lease
21 based on a crop share basis. The alternative method shall
22 utilize a formula which uses data compiled by the United States
23 department of agriculture. The formula shall calculate the
24 amount of the tax credit by multiplying the average per bushel
25 yield for the same type of grain as produced under the lease
26 in the same county where the leased land is located by a per
27 bushel state price established for such type of grain harvested
28 the previous fall.

29 Sec. 11. Section 175.37, subsection 6, Code 2013, is amended
30 by striking the subsection.

31 Sec. 12. Section 175.37, subsection 8, unnumbered paragraph
32 1, Code 2013, is amended to read as follows:

33 A taxpayer shall not claim a tax credit under this section
34 unless a tax credit certificate issued by the authority is
35 attached to the taxpayer's tax return for the tax year for

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1 which the tax credit is claimed. The authority must review
2 and approve an application for a tax credit as provided by
3 rules adopted by the authority. The application must include
4 a copy of the agricultural assets transfer agreement. The
5 authority may approve an application and issue a tax credit
6 certificate to a taxpayer who has previously been allowed a
7 tax credit under this section. The authority may require
8 that the parties to an agricultural assets transfer agreement
9 provide additional information as determined relevant by the
10 authority. The authority shall review an application for
11 a tax credit which includes the renewal of an agricultural
12 assets transfer agreement to determine that the parties to the
13 renewed agreement meet the same qualifications as required for
14 an original application. ~~However,~~ The authority shall not
15 approve an application or issue a tax credit certificate to a
16 taxpayer for an amount in excess of fifty thousand dollars.
17 In addition, the authority shall not approve an application
18 or issue a certificate to a taxpayer if any of the following
19 applies:

20 Sec. 13. Section 175.37, subsection 8, paragraph c, Code
21 2013, is amended by striking the paragraph.

22 Sec. 14. Section 175.37, subsection 9, unnumbered paragraph
23 1, Code 2013, is amended to read as follows:

24 A taxpayer or the qualified beginning farmer may terminate
25 an agricultural assets transfer agreement as provided in the
26 agreement or by law. The taxpayer must immediately notify the
27 authority of the termination.

28 Sec. 15. Section 175.37, subsection 9, paragraph b, Code
29 2013, is amended to read as follows:

30 b. If the authority determines that the taxpayer is at fault
31 for the termination, any prior tax credit allowed under this
32 section is disallowed. ~~The tax credit shall be recaptured~~
33 ~~and the~~ amount of the tax credit shall be immediately due and
34 payable to the department of revenue. If a taxpayer does
35 not immediately notify the authority of the termination,

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1 the taxpayer shall be conclusively deemed at fault for the
2 termination.

3 Sec. 16. Section 175.37, subsection 10, Code 2013, is
4 amended by striking the subsection.

5 Sec. 17. NEW SECTION. 175.38 Custom farming contract tax
6 credit.

7 1. A custom farming contract tax credit is allowed under
8 this section. The tax credit is allowed against the taxes
9 imposed in chapter 422, division II, as provided in section
10 422.11M, and in chapter 422, division III, as provided in
11 section 422.33, to encourage taxpayers who are considering
12 custom farming agricultural land located in this state to
13 negotiate with qualified beginning farmers.

14 2. In order to be eligible to claim a custom farming
15 contract tax credit, the taxpayer must meet qualifications
16 established by rules adopted by the authority. At a minimum,
17 the taxpayer must be a person who may acquire or otherwise
18 obtain or lease agricultural land in the same manner as
19 provided for a taxpayer claiming an agricultural assets
20 transfer tax credit under section 175.37.

21 3. An individual may claim a custom farming contract
22 tax credit of a partnership, limited liability company,
23 S corporation, estate, or trust electing to have income
24 taxed directly to the individual. The amount claimed by the
25 individual shall be based upon the pro rata share of the
26 individual's earnings from the partnership, limited liability
27 company, S corporation, estate, or trust.

28 4. A custom farming contract tax credit is allowed only for
29 the amount paid by the taxpayer to a qualified beginning farmer
30 under a custom farming contract as provided in rules adopted by
31 the department. The contract must provide for the production
32 of crops located on agricultural land or the production of
33 livestock principally located on agricultural land. The
34 agricultural land must be real estate and any improvements used
35 for farming in which the taxpayer holds a legal or equitable

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1 interest.

2 5. The custom farming contract must provide that the
3 taxpayer pay the qualified beginning farmer on a cash basis.
4 The contract must be in writing for a term of not more than
5 twelve months. The total cash payment must equal at least one
6 thousand dollars.

7 6. The taxpayer must make all management decisions
8 substantially contributing to or affecting the production
9 of crops located on the agricultural land or the production
10 of livestock principally located on the agricultural land.
11 However, nothing in this paragraph prohibits a qualified
12 beginning farmer from regularly or frequently taking part in
13 making day-to-day operational decisions affecting production.
14 The qualified beginning farmer must provide for all of the
15 following:

16 a. Production items principally used to produce crops
17 located on the agricultural land or to produce livestock
18 principally located on the agricultural land.

19 b. Labor principally used to produce crops located on the
20 agricultural land or to produce livestock principally located
21 on the agricultural land. The qualified beginning farmer must
22 personally provide such labor on a regular, continuous, and
23 substantial basis.

24 7. A custom farming contract tax credit is not allowed if
25 the taxpayer and qualified beginning farmer are related as any
26 of the following:

27 a. Persons who hold a legal or equitable interest in the
28 same agricultural land, including as individuals or as general
29 partners, limited partners, shareholders, or members in the
30 same business entity as defined in section 501A.102.

31 b. Family members related as spouse, child, stepchild,
32 brother, or sister.

33 c. Partners in the same partnership which holds agricultural
34 land, or shareholders in the same family farm corporation or
35 members in the same family farm limited liability company and



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1 defined in section 9H.1.

2 8. A custom farming contract tax credit shall be calculated
3 based on the gross amount paid to the beginning farmer under
4 the custom farming contract.

5 a. If the qualified beginning farmer is not a veteran, the
6 taxpayer may claim a tax credit equal to seven percent of the
7 gross amount paid to the taxpayer under the contract for each
8 tax year that the tax credit is allowed.

9 b. If the qualified beginning farmer is a veteran, the
10 taxpayer may claim a tax credit equal to eight percent of the
11 gross amount paid to the taxpayer under the contract for the
12 first year that the tax credit is allowed and seven percent
13 of the gross amount paid to the taxpayer under the contract
14 for each subsequent tax year that the tax credit is allowed.
15 However, the taxpayer may only claim seven percent of the gross
16 amount paid to the taxpayer under a renewed contract or a new
17 contract executed by the same parties.

18 9. A custom farming contract tax credit in excess of the
19 taxpayer's liability for the tax year may be credited to the
20 tax liability for the following five years or until depleted,
21 whichever is earlier. A tax credit shall not be carried back
22 to a tax year prior to the tax year in which the taxpayer
23 redeems the tax credit. A tax credit shall not be transferable
24 to any other person other than the taxpayer's estate or trust
25 upon the taxpayer's death.

26 10. A taxpayer shall not claim a custom farming contract
27 tax credit unless a tax credit certificate issued by the
28 agricultural development authority under this section is
29 attached to the taxpayer's tax return for the tax year for
30 which the tax credit is claimed. The authority must review and
31 approve an application for a tax credit certificate as provided
32 by rules adopted by the authority. The application must
33 include a copy of the custom farming contract. The authority
34 may approve an application and issue a tax credit certificate
35 to a taxpayer who has previously been allowed a tax credit



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1 under this section. The authority may require that the parties
2 to the contract provide additional information as determined
3 relevant by the authority. The authority shall review an
4 application for a tax credit certificate which includes the
5 renewal of a contract to determine that the parties to the
6 renewed contract meet the same qualifications as required for
7 an original application. The authority shall not approve an
8 application or issue a tax credit certificate to a taxpayer for
9 an amount in excess of fifty thousand dollars. In addition,
10 the authority shall not approve an application or issue a
11 tax credit certificate to a taxpayer if any of the following
12 applies:

13 *a.* The taxpayer is at fault for terminating another custom
14 farming contract, as determined by the authority.

15 *b.* The taxpayer is party to a pending administrative or
16 judicial action, or classified as a habitual violator in the
17 same manner as provided in section 175.37.

18 *c.* The contract amount is substantially higher or lower
19 than the market rate for a similar custom farming contract, as
20 determined by the authority.

21 11. A taxpayer or the qualified beginning farmer may
22 terminate a custom farming contract as provided in the contract
23 or by law. The taxpayer must immediately notify the authority
24 of the termination.

25 *a.* If the authority determines that the taxpayer is not
26 at fault for the termination, the authority shall not issue a
27 tax credit certificate to the taxpayer for a subsequent tax
28 year based on the approved application. Any prior tax credit
29 is allowed as provided in this section until its expiration.
30 The taxpayer may apply for and be issued another tax credit
31 certificate for the same agricultural land under a custom
32 farming contract with another qualified beginning farmer.

33 *b.* If the authority determines that the taxpayer is at fault
34 for the termination, any prior tax credit allowed under this
35 section is disallowed, and the amount of the tax credit shall

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1 be immediately due and payable to the department of revenue.
2 If a taxpayer does not immediately notify the authority of the
3 termination, the taxpayer shall be conclusively deemed at fault
4 for the termination.

5 Sec. 18. NEW SECTION. 175.39 Tax credit certificates —
6 availability.

7 1. The amount of tax credits that may be issued to support
8 the beginning farmer tax credit program shall not in the
9 aggregate exceed twelve million dollars in any year. Of the
10 aggregate amount, eight million dollars is allocated to support
11 the agricultural assets transfer tax credit as provided in
12 section 175.37 and four million dollars is allocated to support
13 the custom farming contract tax credit as provided in section
14 175.38. However, the authority's board of directors may at
15 any time during the year adjust the allocation by adopting a
16 resolution.

17 2. The authority shall issue tax certificates to support
18 a beginning farmer tax credit on a first-come, first-served
19 basis.

20 Sec. 19. Section 422.11M, Code 2013, is amended to read as
21 follows:

22 ~~422.11M Agricultural assets transferred to beginning~~
23 Beginning farmers — agricultural assets transfer tax credit and
24 custom farming contract tax credit.

25 The taxes imposed under this division, less the credits
26 allowed under section 422.12, shall be reduced by ~~an~~ the
27 following:

28 1. An agricultural assets transfer tax credit as allowed
29 under section 175.37.

30 2. A custom farming contract tax credit as allowed under
31 section 175.38.

32 Sec. 20. Section 422.33, subsection 21, Code 2013, is
33 amended to read as follows:

34 21. The taxes imposed under this division shall be reduced
35 by ~~an~~ the following:

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1 a. An agricultural assets transfer tax credit as allowed
2 under section 175.37.

3 b. A custom farming contract tax credit as allowed under
4 section 175.38.

5 Sec. 21. REPEAL. Section 175.35, Code 2013, is repealed.

6 Sec. 22. EFFECTIVE UPON ENACTMENT. This Act, being deemed
7 of immediate importance, takes effect upon enactment.

8 Sec. 23. RETROACTIVE APPLICABILITY. This Act applies
9 retroactively to January 1, 2013, for tax years beginning on
10 or after that date.

11	EXPLANATION
----	-------------

12 BACKGROUND — AGRICULTURAL ASSETS TRANSFER TAX CREDIT.

13 In 2006, the general assembly enacted SF 2268 (2006 Iowa
14 Acts, chapter 1161) that provides a tax credit for owners
15 of agricultural assets (agricultural land, depreciable
16 agricultural property, crops, or livestock) who help beginning
17 farmers acquire those agricultural assets by lease or rental
18 arrangements. The program is administered by the agricultural
19 development authority (authority) established within the
20 department of agriculture and land stewardship. A beginning
21 farmer is an individual, partnership, family farm corporation,
22 or family farm limited liability company as provided under
23 Code chapter 9H (Iowa's corporate farming law), with a low or
24 moderate net worth, and who engages in farming or wishes to
25 engage in farming. The owner who executes an agricultural
26 assets transfer agreement approved by the authority may
27 claim a tax credit against individual or corporate income
28 tax liability after receiving a certificate issued by the
29 authority. Generally, the lessor must be a person who may
30 acquire or otherwise obtain or lease agricultural land under
31 Code chapter 9H or 9I (restricting corporate and foreign
32 ownership of agricultural land). The bill provides a number
33 of restrictions upon the authority in approving applications
34 and issuing certificates. The owner cannot be at fault for
35 terminating a prior agreement, be involved in legal proceedings

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1 regarding environmental violations, or agree to provide more
2 agricultural assets than the beginning farmer can be expected
3 to adequately manage. The agricultural assets cannot be leased
4 or rented at a rate substantially different from similar market
5 arrangements. The agreement may be terminated, but if the
6 termination is the fault of the owner, any tax credits must be
7 repaid and no further tax credit certificates can be issued to
8 the taxpayer.

9 The tax credit equals 5 percent of the amount paid to the
10 taxpayer under the agreement, except in the case of a landlord
11 who shares in the costs associated with production. In that
12 case, the tax credit equals 15 percent of the amount paid to
13 the taxpayer from crops or animals sold.

14 In 2009, the general assembly enacted SF 483 (2009 Iowa Acts,
15 chapter 135), which capped the amount of tax credits to be an
16 amount not to exceed \$6 million per year with the requirement
17 that the certificates must be issued on a first-come,
18 first-served basis.

19 BILL — BEGINNING FARMER TAX CREDIT PROGRAM. This bill
20 amends the agricultural assets transfer tax credit and creates
21 a new custom farming contract tax credit to encourage taxpayers
22 who hold agricultural land, in the same manner as required
23 under the agricultural assets transfer tax credit, to enter
24 into custom farming contracts with beginning farmers. The bill
25 provides common criteria for beginning farmers who qualify as
26 beginning farmers to participate in the program. A qualified
27 beginning farmer must be a resident of this state; have
28 sufficient education, training, or experience in farming; have
29 access to adequate working capital and production equipment,
30 will materially and substantially participate in farming, and
31 is not responsible for managing or maintaining agricultural
32 land and other agricultural assets that are greater than
33 necessary to adequately support a beginning farmer. The
34 bill requires the authority to administer the tax credits
35 in a uniform manner, and establish a due date to receive

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1 applications to participate in the program. The bill makes
2 net worth requirements for beginning farmers uniform among
3 all programs administered by the authority (\$691,172). The
4 authority must submit an annual report to the governor and
5 general assembly regarding the program.

6 BILL — AGRICULTURAL ASSETS TRANSFER TAX CREDIT. The bill
7 amends the agricultural assets transfer tax credit. The
8 bill provides that an agricultural transfer agreement cannot
9 be assigned and the land subject to the agreement cannot be
10 subleased. The bill increases the amount of the tax credit.
11 For an agreement which includes a lease on a cash basis, the
12 credit is increased from 5 to 7 percent of the gross amount
13 paid to the taxpayer under the agreement. For an agreement
14 which includes a lease on a commodity share basis, the rate
15 is increased from 15 to 17 percent. However, the percentages
16 are increased by one percentage point if the beginning farmer
17 is a veteran. The bill also allows the authority to elect an
18 alternative method to compute a tax credit for a lease based on
19 a crop share basis according to a formula which multiplies the
20 average per bushel yield in the same county where the leased
21 land is located by a per bushel state price. The bill provides
22 that an agricultural assets transfer tax credit cannot exceed
23 \$50,000.

24 BILL — CUSTOM FARMING CONTRACT TAX CREDIT. The bill
25 establishes a custom farming contract tax credit to encourage
26 taxpayers who hold agricultural land to execute custom farming
27 contracts with beginning farmers who qualify under the terms of
28 the bill. The bill provides that the custom farming contract
29 tax credit is also to be administered by the authority.

30 The bill provides that the contract amount of a custom
31 farming contract cannot be substantially higher or lower than
32 the market rate for similar contracts. The contract must be
33 in writing and cannot be for more than 12 months' duration.
34 The taxpayer must make all management decisions substantially
35 contributing to or affecting the production of crops or

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1 livestock located on the taxpayer's agricultural land, although
2 the qualified beginning farmer may make day-to-day operational
3 decisions affecting production. The qualified beginning farmer
4 must provide any necessary tools, machinery, or equipment
5 and labor must be furnished on a regular, continuous, and
6 substantial basis. In addition, the taxpayer and the beginning
7 farmer cannot have a common legal or equitable interest in
8 the agricultural land or be related to each other as family
9 members.

10 A custom farming contract tax credit is allowed only for the
11 amount paid by the taxpayer to a qualified beginning farmer
12 under a custom farming contract on a cash basis equaling at
13 least \$1,000. The tax credit equals 7 percent of the gross
14 amount paid to the beginning farmer under the custom farming
15 contract. The tax credit is increased to 8 percent for one
16 year if the beginning farmer is a veteran. It allows the
17 tax credit to be carried forward but not back, and is not
18 transferrable. The department of revenue may recapture the
19 amount of the tax credit if the contract is terminated due
20 to the taxpayer's fault, as specified in the bill. The bill
21 requires the authority to issue a tax certificate to the
22 taxpayer which must be attached to the tax return. A tax
23 credit certificate cannot exceed \$50,000.

24 TAX CREDIT CERTIFICATES. The bill allows the authority to
25 issue each year up to \$12 million in tax credit certificates
26 for both the current agricultural assets transfer tax credit
27 and the bill's new custom farming contract tax credit. Each
28 year, \$8 million is allocated to support the agricultural
29 assets transfer tax credit and \$4 million is allocated to
30 support the custom framing contract tax credit. However, the
31 authority may adjust the allocation during the year as it deems
32 necessary. The authority must issue tax credit certificates
33 allocated under the new program on a first-come, first-served
34 basis, as is the case for the agricultural assets transfer tax
35 credit.



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1 EFFECTIVE DATE AND RETROACTIVITY. The bill takes effect
2 upon enactment and applies retroactively to January 1, 2013,
3 for tax years beginning on or after that date.



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House Study Bill 150 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S BILL)

A BILL FOR

1 An Act relating to property taxation by establishing and
2 modifying property assessment limitations, providing for
3 commercial and industrial property tax replacement payments,
4 making appropriations, and including effective date and
5 retroactive applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 257.3, subsection 1, Code 2013, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. d. The amount paid to each school district
4 for the commercial and industrial property tax replacement
5 claim under section 441.21A shall be regarded as property tax.
6 The portion of the payment which is foundation property tax
7 shall be determined by applying the foundation property tax
8 rate to the amount computed under section 441.21A, subsection
9 4, paragraph "a", and such amount shall be prorated pursuant to
10 section 441.21A, subsection 2, if applicable.
11 Sec. 2. Section 331.512, Code 2013, is amended by adding the
12 following new subsection:
13 NEW SUBSECTION. 13A. Carry out duties relating to the
14 calculation and payment of commercial and industrial property
15 tax replacement claims under section 441.21A.
16 Sec. 3. Section 331.559, Code 2013, is amended by adding the
17 following new subsection:
18 NEW SUBSECTION. 25A. Carry out duties relating to the
19 calculation and payment of commercial and industrial property
20 tax replacement claims under section 441.21A.
21 Sec. 4. Section 441.21, subsection 4, Code 2013, is amended
22 to read as follows:
23 4. For valuations established as of January 1, 1979,
24 the percentage of actual value at which agricultural and
25 residential property shall be assessed shall be the quotient
26 of the dividend and divisor as defined in this section. The
27 dividend for each class of property shall be the dividend
28 as determined for each class of property for valuations
29 established as of January 1, 1978, adjusted by the product
30 obtained by multiplying the percentage determined for that
31 year by the amount of any additions or deletions to actual
32 value, excluding those resulting from the revaluation of
33 existing properties, as reported by the assessors on the
34 abstracts of assessment for 1978, plus six percent of the
35 amount so determined. However, if the difference between the



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1 dividend so determined for either class of property and the
2 dividend for that class of property for valuations established
3 as of January 1, 1978, adjusted by the product obtained by
4 multiplying the percentage determined for that year by the
5 amount of any additions or deletions to actual value, excluding
6 those resulting from the revaluation of existing properties,
7 as reported by the assessors on the abstracts of assessment
8 for 1978, is less than six percent, the 1979 dividend for the
9 other class of property shall be the dividend as determined for
10 that class of property for valuations established as of January
11 1, 1978, adjusted by the product obtained by multiplying
12 the percentage determined for that year by the amount of
13 any additions or deletions to actual value, excluding those
14 resulting from the revaluation of existing properties, as
15 reported by the assessors on the abstracts of assessment for
16 1978, plus a percentage of the amount so determined which is
17 equal to the percentage by which the dividend as determined
18 for the other class of property for valuations established
19 as of January 1, 1978, adjusted by the product obtained by
20 multiplying the percentage determined for that year by the
21 amount of any additions or deletions to actual value, excluding
22 those resulting from the revaluation of existing properties,
23 as reported by the assessors on the abstracts of assessment
24 for 1978, is increased in arriving at the 1979 dividend for
25 the other class of property. The divisor for each class of
26 property shall be the total actual value of all such property
27 in the state in the preceding year, as reported by the
28 assessors on the abstracts of assessment submitted for 1978,
29 plus the amount of value added to said total actual value by
30 the revaluation of existing properties in 1979 as equalized
31 by the director of revenue pursuant to section 441.49. The
32 director shall utilize information reported on abstracts of
33 assessment submitted pursuant to section 441.45 in determining
34 such percentage. For valuations established as of January 1,
35 1980, and each assessment year thereafter beginning before



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1 January 1, 2013, the percentage of actual value as equalized
2 by the director of revenue as provided in section 441.49 at
3 which agricultural and residential property shall be assessed
4 shall be calculated in accordance with the methods provided
5 herein including the limitation of increases in agricultural
6 and residential assessed values to the percentage increase of
7 the other class of property if the other class increases less
8 than the allowable limit adjusted to include the applicable
9 and current values as equalized by the director of revenue,
10 except that any references to six percent in this subsection
11 shall be four percent. For valuations established as of
12 January 1, 2013, and each assessment year thereafter, the
13 percentage of actual value as equalized by the director of
14 revenue as provided in section 441.49 at which agricultural
15 and residential property shall be assessed shall be calculated
16 in accordance with the methods provided in this subsection,
17 except that any references to six percent in this subsection
18 shall be two percent, and including, for assessment years
19 beginning on or after January 1, 2013, but before January
20 1, 2017, the limitation of increases in agricultural and
21 residential assessed values to the percentage increase of the
22 other class of property if the other class increases less than
23 the allowable limit adjusted to include the applicable and
24 current values as equalized by the director of revenue, and for
25 assessment years beginning on or after January 1, 2017, the
26 limitation in subsection 5A.

27 Sec. 5. Section 441.21, subsection 5, Code 2013, is amended
28 to read as follows:

29 5. a. For valuations established as of January 1, 1979,
30 commercial property and industrial property, excluding
31 properties referred to in section 427A.1, subsection 8, shall
32 be assessed as a percentage of the actual value of each class
33 of property. The percentage shall be determined for each
34 class of property by the director of revenue for the state in
35 accordance with the provisions of this section. For valuations

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1 established as of January 1, 1979, the percentage shall be
2 the quotient of the dividend and divisor as defined in this
3 section. The dividend for each class of property shall be the
4 total actual valuation for each class of property established
5 for 1978, plus six percent of the amount so determined. The
6 divisor for each class of property shall be the valuation
7 for each class of property established for 1978, as reported
8 by the assessors on the abstracts of assessment for 1978,
9 plus the amount of value added to the total actual value by
10 the revaluation of existing properties in 1979 as equalized
11 by the director of revenue pursuant to section 441.49. For
12 valuations established as of January 1, 1979, property valued
13 by the department of revenue pursuant to chapters 428, 433,
14 437, and 438 shall be considered as one class of property and
15 shall be assessed as a percentage of its actual value. The
16 percentage shall be determined by the director of revenue in
17 accordance with the provisions of this section. For valuations
18 established as of January 1, 1979, the percentage shall be
19 the quotient of the dividend and divisor as defined in this
20 section. The dividend shall be the total actual valuation
21 established for 1978 by the department of revenue, plus ten
22 percent of the amount so determined. The divisor for property
23 valued by the department of revenue pursuant to chapters 428,
24 433, 437, and 438 shall be the valuation established for 1978,
25 plus the amount of value added to the total actual value by
26 the revaluation of the property by the department of revenue
27 as of January 1, 1979. For valuations established as of
28 January 1, 1980, commercial property and industrial property,
29 excluding properties referred to in section 427A.1, subsection
30 8, shall be assessed at a percentage of the actual value of
31 each class of property. The percentage shall be determined
32 for each class of property by the director of revenue for the
33 state in accordance with the provisions of this section. For
34 valuations established as of January 1, 1980, the percentage
35 shall be the quotient of the dividend and divisor as defined in



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1 this section. The dividend for each class of property shall
2 be the dividend as determined for each class of property for
3 valuations established as of January 1, 1979, adjusted by the
4 product obtained by multiplying the percentage determined
5 for that year by the amount of any additions or deletions to
6 actual value, excluding those resulting from the revaluation
7 of existing properties, as reported by the assessors on the
8 abstracts of assessment for 1979, plus four percent of the
9 amount so determined. The divisor for each class of property
10 shall be the total actual value of all such property in 1979,
11 as equalized by the director of revenue pursuant to section
12 441.49, plus the amount of value added to the total actual
13 value by the revaluation of existing properties in 1980. The
14 director shall utilize information reported on the abstracts of
15 assessment submitted pursuant to section 441.45 in determining
16 such percentage. For valuations established as of January 1,
17 1980, property valued by the department of revenue pursuant
18 to chapters 428, 433, 437, and 438 shall be assessed at a
19 percentage of its actual value. The percentage shall be
20 determined by the director of revenue in accordance with the
21 provisions of this section. For valuations established as
22 of January 1, 1980, the percentage shall be the quotient of
23 the dividend and divisor as defined in this section. The
24 dividend shall be the total actual valuation established for
25 1979 by the department of revenue, plus eight percent of the
26 amount so determined. The divisor for property valued by the
27 department of revenue pursuant to chapters 428, 433, 437,
28 and 438 shall be the valuation established for 1979, plus
29 the amount of value added to the total actual value by the
30 revaluation of the property by the department of revenue as
31 of January 1, 1980. For valuations established as of January
32 1, 1981, and each assessment year thereafter beginning before
33 January 1, 2013, the percentage of actual value as equalized
34 by the director of revenue as provided in section 441.49 at
35 which commercial property and industrial property, excluding



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1 properties referred to in section 427A.1, subsection 8, shall
2 be assessed shall be calculated in accordance with the methods
3 provided herein, except that any references to six percent
4 in this subsection shall be four percent. For valuations
5 established as of January 1, 1981, and each year thereafter,
6 the percentage of actual value at which property valued by
7 the department of revenue pursuant to chapters 428, 433, 437,
8 and 438 shall be assessed shall be calculated in accordance
9 with the methods provided herein, except that any references
10 to ten percent in this subsection shall be eight percent.
11 Beginning with valuations established as of January 1, 1979,
12 and each assessment year thereafter beginning before January
13 1, 2013, property valued by the department of revenue pursuant
14 to chapter 434 shall also be assessed at a percentage of its
15 actual value which percentage shall be equal to the percentage
16 determined by the director of revenue for commercial property,
17 industrial property, or property valued by the department of
18 revenue pursuant to chapters 428, 433, 437, and 438, whichever
19 is lowest. For valuations established as of January 1, 2017,
20 and each assessment year thereafter, the percentage of actual
21 value as equalized by the director of revenue as provided in
22 section 441.49 at which commercial and industrial property
23 shall be assessed shall be calculated in accordance with the
24 methods provided in this subsection, including the limitation
25 in subsection 5A, except that any references to six percent
26 in this subsection shall be two percent. For valuations
27 established on or after January 1, 2013, property valued by the
28 department of revenue pursuant to chapter 434 shall be assessed
29 at a percentage of its actual value equal to the percentage of
30 actual value at which property assessed as commercial property
31 is assessed for the same assessment year following application
32 of the limitation in subsection 5A, if applicable.
33 b. For valuations established on or after January 1, 2013,
34 but before January 1, 2017, commercial property, excluding
35 properties referred to in section 427A.1, subsection 8, shall



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1 be assessed at a percentage of its actual value, as determined
2 in this paragraph "b". For valuations established for the
3 assessment year beginning January 1, 2013, the percentage
4 of actual value as equalized by the director of revenue as
5 provided in section 441.49 at which commercial property shall
6 be assessed shall be ninety-five percent. For valuations
7 established for the assessment year beginning January 1, 2014,
8 the percentage of actual value as equalized by the director
9 of revenue as provided in section 441.49 at which commercial
10 property shall be assessed shall be ninety percent. For
11 valuations established for the assessment year beginning
12 January 1, 2015, the percentage of actual value as equalized by
13 the director of revenue as provided in section 441.49 at which
14 commercial property shall be assessed shall be eighty-five
15 percent. For valuations established for the assessment year
16 beginning January 1, 2016, the percentage of actual value as
17 equalized by the director of revenue as provided in section
18 441.49 at which commercial property shall be assessed shall be
19 eighty percent.

20 c. For valuations established on or after January 1, 2013,
21 but before January 1, 2017, industrial property, excluding
22 properties referred to in section 427A.1, subsection 8, shall
23 be assessed at a percentage of its actual value, as determined
24 in this paragraph "c". For valuations established for the
25 assessment year beginning January 1, 2013, the percentage
26 of actual value as equalized by the director of revenue as
27 provided in section 441.49 at which industrial property shall
28 be assessed shall be ninety-five percent. For valuations
29 established for the assessment year beginning January 1, 2014,
30 the percentage of actual value as equalized by the director
31 of revenue as provided in section 441.49 at which industrial
32 property shall be assessed shall be ninety percent. For
33 valuations established for the assessment year beginning
34 January 1, 2015, the percentage of actual value as equalized by
35 the director of revenue as provided in section 441.49 at which

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1 industrial property shall be assessed shall be eighty-five
2 percent. For valuations established for the assessment year
3 beginning January 1, 2016, the percentage of actual value as
4 equalized by the director of revenue as provided in section
5 441.49 at which industrial property shall be assessed shall be
6 eighty percent.

7 Sec. 6. Section 441.21, Code 2013, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 5A. In addition to the limitation of
10 increases for agricultural and residential property applicable
11 under subsection 4 and the limitation of increases for
12 commercial and industrial property applicable under subsection
13 5, for valuations established for the assessment year beginning
14 January 1, 2017, and each assessment year thereafter, for
15 residential, agricultural, commercial, and industrial property,
16 the assessed value of each of these four classes of property
17 shall be limited to the percentage increase of that class of
18 property that is the lowest percentage increase under the
19 allowable limit adjusted to include the applicable and current
20 values as equalized by the director of revenue.

21 Sec. 7. NEW SECTION. 441.21A Commercial and industrial
22 property tax replacement — replacement claims.

23 1. a. For each fiscal year beginning on or after July
24 1, 2014, there is appropriated from the general fund of the
25 state to the department of revenue an amount necessary for
26 the payment of all commercial and industrial property tax
27 replacement claims under this section for the fiscal year.
28 However, for a fiscal year beginning on or after July 1, 2018,
29 the total amount of moneys appropriated from the general fund
30 of the state to the department of revenue for the payment
31 of commercial and industrial property tax replacement claims
32 in that fiscal year shall not exceed the total amount of
33 money that was necessary to pay all commercial and industrial
34 property tax replacement claims for the fiscal year beginning
35 July 1, 2017.



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1 *b.* Moneys appropriated by the general assembly to the
2 department under this subsection for the payment of commercial
3 and industrial property tax replacement claims are not subject
4 to a uniform reduction in appropriations in accordance with
5 section 8.31.

6 2. Beginning with the fiscal year beginning July 1, 2014,
7 each county treasurer shall be paid by the department of
8 revenue an amount equal to the amount of the commercial and
9 industrial property tax replacement claims in the county, as
10 calculated in subsection 4. For fiscal years beginning on or
11 after July 1, 2018, if an amount appropriated for a fiscal year
12 is insufficient to pay all replacement claims, the director of
13 revenue shall prorate the payment of replacement claims to the
14 county treasurers and shall notify the county auditors of the
15 pro rata percentage on or before September 30.

16 3. On or before July 1 of each fiscal year beginning on
17 or after July 1, 2014, the assessor shall determine the total
18 assessed value of all commercial property and industrial
19 property assessed for taxes due and payable in that fiscal
20 year and the total actual value of such property for the same
21 assessment year, and shall report the valuations to the county
22 auditor.

23 4. On or before a date established by rule of the department
24 of revenue of each fiscal year beginning on or after July 1,
25 2014, the county auditor shall prepare a statement, based upon
26 the report received pursuant to subsection 3, listing for each
27 taxing district in the county:

28 *a.* The difference between the assessed valuation of all
29 commercial property and industrial property for the assessment
30 year used to calculate taxes which are due and payable in the
31 applicable fiscal year and the actual value of all commercial
32 property and industrial property for the same assessment year.
33 If the difference between the assessed value of all commercial
34 property and industrial property and the actual valuation of
35 all commercial property and industrial property is zero, there

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1 is no tax replacement for that taxing district for the fiscal
2 year.

3 *b.* The tax levy rate per one thousand dollars of assessed
4 value for each taxing district for that fiscal year.

5 *c.* The commercial and industrial property tax replacement
6 claim for each taxing district. The replacement claim is equal
7 to the amount determined pursuant to paragraph "*a*", multiplied
8 by the tax rate specified in paragraph "*b*", and then divided by
9 one thousand dollars.

10 5. For purposes of computing replacement amounts under
11 this section, that portion of an urban renewal area defined as
12 the sum of the assessed valuations defined in section 403.19,
13 subsections 1 and 2, shall be considered a taxing district.

14 6. *a.* The county auditor shall certify and forward one copy
15 of the statement to the department of revenue not later than
16 a date of each year established by the department of revenue
17 by rule.

18 *b.* The replacement claims shall be paid to each county
19 treasurer in equal installments in September and March of each
20 year. The county treasurer shall apportion the replacement
21 claim payments among the eligible taxing districts in the
22 county.

23 *c.* If the taxing district is an urban renewal area, the
24 amount of the replacement claim shall be apportioned and
25 credited to those portions of the assessed value defined in
26 section 403.19, subsections 1 and 2, as follows:

27 (1) To that portion defined in section 403.19, subsection
28 1, an amount of the replacement claim that is proportionate to
29 the amount of actual value of the commercial and industrial
30 property in the urban renewal area as determined in section
31 403.19, subsection 1, that was subtracted pursuant to section
32 403.20, as it bears to the total amount of actual value of
33 the commercial and industrial property in the urban renewal
34 area that was subtracted pursuant to section 403.20 for the
35 assessment year for property taxes due and payable in the

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1 fiscal year for which the replacement claim is computed.
2 (2) To that portion defined in section 403.19, subsection 2,
3 the remaining amount, if any.
4 d. Notwithstanding the allocation provisions of paragraph
5 "c", the amount of the tax replacement amount that shall be
6 allocated to that portion of the assessed value defined in
7 section 403.19, subsection 2, shall not exceed the amount equal
8 to the amount certified to the county auditor under section
9 403.19 for the fiscal year in which the claim is paid, after
10 deduction of the amount of other revenues committed for payment
11 on that amount for the fiscal year. The amount not allocated
12 to that portion of the assessed value defined in section
13 403.19, subsection 2, as a result of the operation of this
14 paragraph, shall be allocated to that portion of assessed value
15 defined in section 403.19, subsection 1.
16 e. The amount of the replacement claim amount credited to
17 the portion of the assessed value defined in section 403.19,
18 subsection 1, shall be allocated to and when received be paid
19 into the fund for the respective taxing district as taxes by
20 or for the taxing district into which all other property taxes
21 are paid. The amount of the replacement claim amount credited
22 to the portion of the assessed value defined in section 403.19,
23 subsection 2, shall be allocated to and when collected be paid
24 into the special fund of the municipality under section 403.19,
25 subsection 2.
26 Sec. 8. SAVINGS PROVISION. This Act, pursuant to section
27 4.13, does not affect the operation of, or prohibit the
28 application of, prior provisions of section 441.21, or rules
29 adopted under chapter 17A to administer prior provisions
30 of section 441.21, for assessment years beginning before
31 January 1, 2013, and for duties, powers, protests, appeals,
32 proceedings, actions, or remedies attributable to an assessment
33 year beginning before January 1, 2013.
34 Sec. 9. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
35 immediate importance, takes effect upon enactment.



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1 Sec. 10. RETROACTIVE APPLICABILITY. This Act applies
2 retroactively to January 1, 2013, for assessment years
3 beginning on or after that date.

4 EXPLANATION

5 This bill changes the property tax assessment limitation
6 percentage for residential property and agricultural property
7 from 4 percent to 2 percent for assessment years beginning on
8 or after January 1, 2013.

9 The bill modifies the methodology in Code section 441.21(5)
10 currently used to determine the percentage of actual value
11 at which commercial property and industrial property are
12 assessed for property tax purposes. The bill provides that
13 for valuations established for the assessment year beginning
14 January 1, 2013, the percentage of actual value at which
15 commercial and industrial property are assessed is 95 percent.
16 For the assessment year beginning January 1, 2014, the
17 percentage of actual value at which commercial and industrial
18 property are assessed is 90 percent. For the assessment year
19 beginning January 1, 2015, the percentage of actual value
20 at which commercial and industrial property are assessed is
21 85 percent. For the assessment year beginning January 1,
22 2016, the percentage of actual value at which commercial and
23 industrial property are assessed is 80 percent. For assessment
24 years beginning on or after January 1, 2017, the percentage of
25 actual value at which commercial and industrial property are
26 assessed shall be calculated in accordance with the methodology
27 used to determine the percentages at which commercial
28 and industrial property are assessed for assessment years
29 beginning before January 1, 2013, except that the percentage
30 of permissible assessed value growth is changed from 4 percent
31 to 2 percent.

32 The bill also provides that for assessment years beginning
33 on or after January 1, 2017, in addition to the limitations on
34 the growth in taxable value for agricultural and residential
35 property in Code section 441.21(4) and commercial and

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1 industrial property in Code section 441.21(5), for residential,
2 agricultural, commercial, and industrial property, the assessed
3 value of each of these four classes of property shall be
4 limited to the percentage increase of that class of property
5 that is the lowest percentage increase under the allowable
6 limit.

7 The bill provides that for valuations established on or
8 after January 1, 2013, property valued by the department of
9 revenue pursuant to Code chapter 434 (railway property) is
10 assessed at a percentage of its actual value equal to the
11 percentage of actual value at which commercial property is
12 assessed for the same assessment year.

13 The bill provides for commercial and industrial property
14 tax replacement payments in new Code section 441.21A. For
15 the fiscal year beginning July 1, 2014, and each fiscal year
16 thereafter, the bill appropriates from the general fund of the
17 state to the department of revenue an amount necessary to pay
18 all commercial and industrial property tax replacement claims
19 for that fiscal year. However, in no fiscal year beginning
20 on or after July 1, 2018, shall the total amount of money
21 appropriated from the general fund of the state for the payment
22 of commercial and industrial property tax replacement claims
23 in that fiscal year exceed the total amount of money that was
24 necessary to pay all commercial and industrial property tax
25 replacement payments for the fiscal year beginning July 1,
26 2017.

27 The bill provides that moneys appropriated by the general
28 assembly to the department of revenue under new Code section
29 441.21A for the payment of commercial and industrial property
30 tax replacement claims are not subject to a uniform reduction
31 in appropriations in accordance with Code section 8.31.

32 For fiscal years beginning on or after July 1, 2018, if
33 an amount appropriated to the department of revenue for a
34 fiscal year is insufficient to pay all replacement claims, the
35 director of revenue shall prorate the replacement payments to

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1 the county treasurers and shall notify the county auditors of
2 the pro rata percentage on or before September 30.
3 The bill requires the assessor to determine, on or before
4 July 1 of each fiscal year beginning on or after July 1,
5 2014, the total assessed value of all commercial property
6 and industrial property for taxes due and payable in that
7 fiscal year and the total actual value of all such property
8 for the same assessment year, and to report those valuations
9 to the county auditor. On or before a date established by the
10 department of revenue, the county auditor prepares a statement,
11 based upon the report listing for each taxing district in the
12 county the difference between assessed and actual values of
13 such property located in the taxing district, the tax levy rate
14 per \$1,000 of assessed value for each taxing district, and
15 the property tax replacement claim for each taxing district.
16 The replacement claim is equal to the difference between the
17 assessed valuation of all such property located in the taxing
18 district and assessed for the applicable assessment year and
19 the total actual value of all such property located in the
20 taxing district for the same assessment year, multiplied by
21 the tax rate per \$1,000 of assessed value specified for the
22 taxing district, and then divided by \$1,000. If the difference
23 between the actual and assessed values is zero, there is no
24 replacement claim for the taxing district for that year.
25 Replacement claims are paid to each county treasurer in
26 equal installments in September and March of each year. The
27 county treasurer apportions the replacement claim payments
28 among the eligible taxing districts in the county.
29 The bill defines a tax increment financing district in
30 an urban renewal area as a taxing district for purposes of
31 allocation of replacement moneys and provides for the method of
32 allocation in those districts.
33 The bill, pursuant to Code section 4.13, does not affect
34 the application of prior provisions of Code section 441.21 to
35 assessment years beginning before January 1, 2013.

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1 The bill takes effect upon enactment and applies
2 retroactively to January 1, 2013, for assessment years
3 beginning on or after that date.



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House Study Bill 151 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act relating to matters under the purview of the banking
2 division of the department of commerce.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 12C.7, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. A depository ~~shall not directly or indirectly may~~ pay
4 interest to a public officer on a ~~demand deposit~~ deposits
5 of public funds, and a public officer ~~shall not may~~ take or
6 receive interest on ~~demand~~ deposits of public funds. ~~This~~
7 ~~provision does not apply to interest on time certificates of~~
8 ~~deposit or savings accounts for public funds.~~

9 Sec. 2. Section 524.904, subsection 5, paragraph b,
10 subparagraph (1), Code 2013, is amended by striking the
11 subparagraph.

12 Sec. 3. Section 533A.2, Code 2013, is amended by adding the
13 following new subsections:

14 NEW SUBSECTION. 7. The superintendent may authorize
15 applicants and licensees to be licensed through a nationwide
16 licensing system and to pay the corresponding system processing
17 fees. The superintendent may establish by rule or order
18 new requirements as necessary, including but not limited to
19 requirements that applicants, including officers and directors
20 and those who have control of the applicant, submit to
21 fingerprinting and criminal history checks.

22 NEW SUBSECTION. 8. For the purposes of this section and in
23 order to reduce the points of contact which the federal bureau
24 of investigation may be required to maintain for purposes
25 of subsection 7, the superintendent may use the nationwide
26 licensing system as a channeling agent for requesting
27 information from and distributing information to the United
28 States department of justice or other governmental agency, or
29 to or from any other source so directed by the superintendent.

30 Sec. 4. Section 533A.4, Code 2013, is amended to read as
31 follows:

32 **533A.4 Expiration date.**

33 The license issued under this chapter shall expire on
34 ~~July 1 next~~ December 31 following its issuance unless sooner
35 surrendered, revoked, or suspended, but may be renewed as

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1 provided in this chapter.

2 Sec. 5. Section 533A.5, subsection 1, Code 2013, is amended
3 to read as follows:

4 1. To continue in the business of debt management, each
5 licensee shall annually apply on or before ~~June~~ December
6 1 to the superintendent for renewal of its license. The
7 superintendent may assess a late fee of ten dollars per day for
8 applications submitted and accepted for processing after ~~June~~
9 December 1.

10 Sec. 6. Section 533A.10, Code 2013, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 4. The superintendent may receive
13 documents, materials, or other information, including otherwise
14 confidential and privileged documents, materials, or other
15 information, through a nationwide licensing system and from
16 other local, state, federal, or international regulatory
17 agencies, the conference of state bank supervisors and
18 its affiliates and subsidiaries, the national association
19 of consumer credit administrators and its affiliates and
20 subsidiaries, and any other regulator association, and shall
21 maintain as confidential and privileged any such document,
22 material, or other information received with notice or the
23 understanding that it is confidential or privileged under the
24 laws of the jurisdiction that is the source of the document,
25 material, or other information.

26 Sec. 7. Section 533C.202, subsection 4, Code 2013, is
27 amended to read as follows:

28 4. A nonrefundable application fee of one thousand dollars
29 and a license fee must accompany an application for a license
30 under this article. The license fee must be refunded if the
31 application is denied. The license fee shall be the sum of
32 five hundred dollars plus an additional ten dollars for each
33 location in this state at which business is conducted through
34 authorized delegates or employees of the licensee, but shall
35 not exceed five thousand dollars. Fees for locations added

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1 after the initial application shall be submitted with the
2 quarterly reports pursuant to section 533C.503, subsection
3 2. If the licensee has no locations in this state at which
4 business is conducted through authorized delegates or
5 employees of the licensee, the license fee shall be set by the
6 superintendent, but shall not exceed five thousand dollars. A
7 license under this article expires on the next ~~September 30~~
8 December 31 after its issuance. The initial license fee is
9 considered an annual fee and the superintendent shall prorate
10 the license fee, refunding any amount due to a partial license
11 year. However, no refund of a license fee shall be made when a
12 license is suspended, revoked, or surrendered.

13 Sec. 8. Section 533C.202, Code 2013, is amended by adding
14 the following new subsections:

15 NEW SUBSECTION. 6. The superintendent may authorize
16 applicants and licensees to be licensed through a nationwide
17 licensing system and to pay the corresponding system processing
18 fees. The superintendent may establish by rule or order
19 new licensing requirements as necessary, including but not
20 limited to requirements that applicants, including officers and
21 directors and those who have control of the applicant, submit
22 to fingerprinting and criminal history checks.

23 NEW SUBSECTION. 7. For the purposes of this section and in
24 order to reduce the points of contact which the federal bureau
25 of investigation may be required to maintain for purposes
26 of subsection 6, the superintendent may use the nationwide
27 licensing system as a channeling agent for requesting
28 information from and distributing information to the United
29 States department of justice or other governmental agency, or
30 to or from any other source so directed by the superintendent.

31 Sec. 9. Section 533C.205, subsections 1 and 3, Code 2013,
32 are amended to read as follows:

33 1. A licensee under this article shall pay an annual
34 renewal fee as determined below by no later than ~~September~~
35 December 1 of the year of expiration. The renewal fee shall be

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1 five hundred dollars plus an additional ten dollars for each
2 location in this state at which business is conducted through
3 authorized delegates or employees of the licensee, but shall
4 not exceed five thousand dollars. Fees for locations added
5 after submission of the renewal application shall be submitted
6 with the quarterly reports pursuant to section 533C.503,
7 subsection 2. If the licensee has no locations in this state
8 at which business is conducted through authorized delegates
9 or employees of the licensee, the license fee shall be set
10 by the superintendent, but shall not exceed five thousand
11 dollars. ~~Licenses issued under chapter 533B, Code 2003, will~~
12 ~~be initially renewed as provided in section 533C.904.~~

13 3. If a licensee does not file a renewal report or pay its
14 renewal fee by ~~September~~ December 1, or any extension of time
15 granted by the superintendent, the superintendent may assess a
16 late fee of one hundred dollars per day.

17 Sec. 10. Section 533C.302, subsection 2, Code 2013, is
18 amended to read as follows:

19 2. A nonrefundable application fee of one thousand dollars
20 and the license fee must accompany an application for a license
21 under this article. The license fee shall be the sum of five
22 hundred dollars plus an additional one hundred dollars for each
23 location at which business is conducted, but not to exceed two
24 thousand dollars. Fees for locations added after the initial
25 application shall be submitted with the quarterly reports
26 pursuant to section 533C.503, subsection 2. The license fee
27 must be refunded if the application is denied. A license under
28 this article expires on the next ~~September 30~~ December 31 of an
29 odd-ending year after its issuance. The initial license fee is
30 considered a biennial fee and the superintendent shall prorate
31 the license fee, refunding any amount due to a partial license
32 period. However, no refund of a license fee shall be made when
33 a license is suspended, revoked, or surrendered.

34 Sec. 11. Section 533C.302, Code 2013, is amended by adding
35 the following new subsections:

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1 NEW SUBSECTION. 3. The superintendent may authorize
2 applicants and licensees to be licensed through a nationwide
3 licensing system and to pay the corresponding system processing
4 fees. The superintendent may establish by rule or order
5 new requirements as necessary, including but not limited to
6 requirements that applicants, including officers and directors
7 and those who have control of the applicant, submit to
8 fingerprinting and criminal history checks.

9 NEW SUBSECTION. 4. For the purposes of this section and in
10 order to reduce the points of contact which the federal bureau
11 of investigation may be required to maintain for purposes
12 of subsection 3, the superintendent may use the nationwide
13 licensing system as a channeling agent for requesting
14 information from and distributing information to the United
15 States department of justice or other governmental agency, or
16 to or from any other source so directed by the superintendent.

17 Sec. 12. Section 533C.304, subsections 1 and 3, Code 2013,
18 are amended to read as follows:

19 1. A licensee under this article shall pay a biennial
20 renewal fee no later than ~~September~~ December 1 of an odd-ending
21 year. The biennial renewal fee shall be the sum of five
22 hundred dollars plus an additional one hundred dollars for
23 each location at which business is conducted, but shall not
24 exceed two thousand dollars. Fees for locations added after
25 the initial application shall be submitted with the quarterly
26 reports pursuant to section 533C.503, subsection 2.

27 3. If a licensee does not file a renewal report and pay
28 its renewal fee by ~~September~~ December 1 of an odd-ending year,
29 or any extension of time granted by the superintendent, the
30 superintendent may assess a late fee of one hundred dollars per
31 day.

32 Sec. 13. Section 533C.507, Code 2013, is amended by adding
33 the following new subsection:

34 NEW SUBSECTION. 7. The superintendent may receive
35 documents, materials, or other information, including otherwise

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1 confidential and privileged documents, materials, or other
2 information, through a nationwide licensing system and from
3 other local, state, federal, or international regulatory
4 agencies, the conference of state bank supervisors and
5 its affiliates and subsidiaries, the national association
6 of consumer credit administrators and its affiliates and
7 subsidiaries, the money transmitter regulators association,
8 and any other regulator associations, and shall maintain as
9 confidential and privileged any such document, material, or
10 other information received with notice or the understanding
11 that it is confidential or privileged under the laws of the
12 jurisdiction that is the source of the document, material, or
13 other information.

14 Sec. 14. Section 533C.904, Code 2013, is amended by striking
15 the section and inserting in lieu thereof the following:

16 **533C.904 Applicability.**

17 This chapter applies to the provision of money services on or
18 after October 1, 2003.

19 Sec. 15. Section 533D.3, subsection 3, unnumbered paragraph
20 1, Code 2013, is amended to read as follows:

21 The application required by this section shall be submitted
22 with ~~both of~~ the following:

23 Sec. 16. Section 533D.3, subsection 6, Code 2013, is amended
24 to read as follows:

25 6. a. A license issued pursuant to this chapter shall
26 be conspicuously posted at the licensee's place of business.
27 A license shall remain in effect until the next succeeding
28 ~~May~~ January 1, unless earlier suspended or revoked by the
29 superintendent.

30 b. A license shall be renewed annually by filing with the
31 superintendent on or before ~~April~~ December 1 an application
32 for renewal containing such information as the superintendent
33 may require to indicate any material change in the information
34 contained in the original application or succeeding renewal
35 applications and a renewal fee of two hundred fifty dollars.



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1 c. The superintendent may assess a late fee of ten dollars
2 per day for applications submitted and accepted for processing
3 after ~~April~~ December 1.

4 Sec. 17. Section 533D.3, Code 2013, is amended by adding the
5 following new subsections:

6 NEW SUBSECTION. 7. The superintendent may authorize
7 applicants and licensees to be licensed through a nationwide
8 licensing system and to pay the corresponding system processing
9 fees. The superintendent may establish by rule or order
10 new requirements as necessary, including but not limited to
11 requirements that applicants, including officers and directors
12 and those who have control of the applicant, submit to
13 fingerprinting and criminal history checks.

14 NEW SUBSECTION. 8. For the purposes of this section and in
15 order to reduce the points of contact which the federal bureau
16 of investigation may be required to maintain for purposes
17 of subsection 7, the superintendent may use the nationwide
18 licensing system as a channeling agent for requesting
19 information from and distributing information to the United
20 States department of justice or other governmental agency, or
21 to or from any other source so directed by the superintendent.

22 Sec. 18. Section 533D.11, Code 2013, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. 6. The superintendent may receive
25 documents, materials, or other information, including otherwise
26 confidential and privileged documents, materials, or other
27 information, through a nationwide licensing system and from
28 other local, state, federal, or international regulatory
29 agencies, the conference of state bank supervisors and
30 its affiliates and subsidiaries, the national association
31 of consumer credit administrators and its affiliates and
32 subsidiaries, and any other regulator association, and shall
33 maintain as confidential and privileged any such document,
34 material, or other information received with notice or the
35 understanding that it is confidential or privileged under the

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1 laws of the jurisdiction that is the source of the document,
2 material, or other information.

3 Sec. 19. Section 535D.15, subsection 1, Code 2013, is
4 amended to read as follows:

5 1. Except as otherwise provided by this chapter, all papers,
6 documents, examination reports, and other writings relating to
7 the supervision of licensees are not public records and are not
8 subject to disclosure under chapter 22. Except as otherwise
9 provided in section 1512 of the federal Housing and Economic
10 Recovery Act of 2008, Pub. L. No. 110-289, the requirements
11 under any federal law or chapter 22 or 692 regarding the
12 privacy or confidentiality of any information or material
13 provided to the nationwide mortgage licensing system and
14 registry, and any privilege arising under federal or state law,
15 including the rules of any federal or state court, with respect
16 to such information or material, shall continue to apply to
17 such information or material after the information or material
18 has been disclosed to the nationwide mortgage licensing system
19 and registry. Such information and material may be shared
20 with any state or federal regulatory official with mortgage
21 industry oversight authority without the loss of privilege or
22 the loss of confidentiality protections provided by federal law
23 or chapter 22 or 692.

24 Sec. 20. Section 542B.14, subsection 1, paragraph a,
25 subparagraphs (2) and (4), Code 2013, are amended to read as
26 follows:

27 (2) Successfully passing a ~~written, oral, or written and~~
28 ~~oral~~ an examination in fundamental engineering subjects which
29 is designed to show the knowledge of general engineering
30 principles. A person passing the examination in fundamental
31 engineering subjects is entitled to a certificate as an
32 engineer intern.

33 (4) Successfully passing a ~~written, oral, or written and~~
34 ~~oral~~ an examination designed to determine the proficiency and
35 qualifications to engage in the practice of engineering. No



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1 applicant shall be entitled to take this examination until
2 the applicant shows the necessary practical experience in
3 engineering work.

4 Sec. 21. Section 542B.14, subsection 1, paragraph b,
5 subparagraphs (2) and (4), Code 2013, are amended to read as
6 follows:

7 (2) Successfully passing a ~~written, oral, or written and~~
8 ~~oral~~ an examination in fundamental land surveying subjects
9 which is designed to show the knowledge of general land
10 surveying principles.

11 (4) Successfully passing a ~~written, oral, or written and~~
12 ~~oral~~ an examination designed to determine the proficiency and
13 qualifications to engage in the practice of land surveying.
14 No applicant shall be entitled to take this examination until
15 the applicant shows the necessary practical experience in land
16 surveying work.

17 Sec. 22. Section 542B.15, Code 2013, is amended to read as
18 follows:

19 **542B.15 Examinations — report required.**

20 Examinations for licensure shall be given as often as deemed
21 necessary by the board, but no less than one time per year. The
22 scope of the examinations and the methods of procedure shall be
23 prescribed by the board. Any ~~written~~ examination may be given
24 by representatives of the board. ~~All examinations in theory~~
25 ~~shall be in writing and the~~ The identity of the person taking
26 the examination shall be concealed until after the examination
27 ~~papers have~~ has been graded. ~~For examinations in practice,~~
28 ~~the identity of the person taking the examination shall also~~
29 ~~be concealed as far as possible.~~ As soon as practicable after
30 the close of each examination, a report shall be filed in the
31 office of the secretary of the board by the board. The report
32 shall show the action of the board upon each application and
33 the secretary of the board shall notify each applicant of the
34 result of the applicant's examination. Applicants who fail the
35 examination once shall be allowed to take the examination at

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1 the next scheduled time. Thereafter, the applicant shall be
2 allowed to take the examination at the discretion of the board.
3 An applicant who has failed the examination may request in
4 writing information from the board concerning the applicant's
5 examination grade and subject areas or questions which the
6 applicant failed to answer correctly, except that if the board
7 administers a uniform, standardized examination, the board
8 shall only be required to provide the examination grade and
9 such other information concerning the applicant's examination
10 results which are available to the board.

11 Sec. 23. Section 543B.20, Code 2013, is amended to read as
12 follows:

13 **543B.20 ~~Written examination~~ Examination.**

14 Examinations for registration shall be given as often as
15 deemed necessary by the real estate commission, but no less
16 than one time per year. Each applicant for a license must
17 pass ~~a written~~ an examination authorized by the commission and
18 administered by the commission or persons designated by the
19 commission. The examination shall be of scope and wording
20 sufficient in the judgment of the commission to establish the
21 competency of the applicant to act as a real estate broker
22 or salesperson in a manner to protect the interests of the
23 public. An examination for a real estate broker shall be of a
24 more exacting nature than that for a real estate salesperson
25 and require higher standards of knowledge of real estate. ~~All~~
26 ~~examinations in real estate theory shall be in writing and the~~
27 The identity of the persons taking the examinations shall be
28 concealed until after the examination ~~papers have~~ has been
29 graded. ~~For examinations in practice, the identity of the~~
30 ~~persons taking the examinations shall also be concealed as~~
31 ~~far as possible.~~ A person who fails to pass either ~~written~~
32 examination once may immediately apply to take the next
33 available examination. Thereafter, the applicant may take the
34 examination at the discretion of the commission. An applicant
35 who has failed either examination may request in writing

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1 information from the commission concerning the applicant's
2 examination grade and subject areas or questions which the
3 applicant failed to answer correctly, except that if the
4 commission administers a uniform, standardized examination, the
5 commission is only required to provide the examination grade
6 and other information concerning the applicant's examination
7 results which is available to the commission.

8 Sec. 24. Section 543D.4, Code 2013, is amended to read as
9 follows:

10 **543D.4 Iowa real estate appraiser board.**

11 A real estate appraiser examining board is established
12 within the professional licensing and regulation bureau of the
13 banking division of the department of commerce. The board
14 consists of seven members, two of whom shall be public members
15 and five of whom shall be certified real estate appraisers.

16 1. The governor shall appoint the members of the board who
17 are subject to confirmation by the senate. The governor may
18 remove a member for cause.

19 ~~2. Appointees shall possess or maintain at least those~~
20 ~~standards of ethics, education, and experience required by~~
21 ~~federal regulations.~~

22 ~~3. 2. Each real estate appraiser member of the board~~
23 ~~appointed after January 1, 1992, must be a certified real~~
24 ~~estate appraiser. A certified real estate appraiser member of~~
25 ~~the board shall be actively engaged in practice as a certified~~
26 ~~real estate appraiser and shall have been so engaged for five~~
27 ~~years preceding appointment, the last two of which shall have~~
28 ~~been in this state.~~ The governor shall attempt to represent
29 each class of certified appraisers in making the appointments.

30 ~~4. 3. The term of each member is three years, except that,~~
31 ~~of the members first appointed, two shall be appointed for~~
32 ~~two years and two shall be appointed for one year. Vacancies~~
33 ~~occurring during a term shall be filled by appointment by the~~
34 ~~governor for the unexpired term.~~

35 ~~5. 4. Upon expiration of their terms, members of the~~

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1 board shall continue to hold office until the appointment and
2 qualification of their successors. A person shall not serve
3 as a member of the board for more than ~~two consecutive~~ three
4 terms, but appointment to fill an unexpired term shall not be
5 considered a complete term for this purpose.

6 ~~6.~~ 5. The public members of the board shall not engage in
7 the practice of real estate appraising.

8 ~~7.~~ 6. The board shall meet at least once each calendar
9 quarter to conduct its business.

10 ~~8.~~ 7. The members of the board shall elect a chairperson
11 from among the members to preside at board meetings.

12 ~~9.~~ 8. A quorum of the board is four members. ~~At least~~
13 ~~three of the four members shall be appraiser members.~~

14 9. Members of the board are entitled to receive a per diem
15 as specified in section 7E.6 for each day spent in performance
16 of duties as members and shall be reimbursed for all actual
17 and necessary expenses incurred in the performance of duties
18 as members.

19 Sec. 25. Section 543D.5, Code 2013, is amended to read as
20 follows:

21 **543D.5 Powers of the board.**

22 1. The board shall adopt rules establishing uniform
23 appraisal standards and appraiser certification requirements
24 and other rules necessary to administer and enforce this
25 chapter and its responsibilities under chapter 272C. The
26 board shall consider and may incorporate any standards
27 required or recommended by the appraisal foundation, or by a
28 professional appraisal organization, or by a public authority
29 or organization responsible to review appraisals or for
30 the oversight of appraisers federal agency with regulatory
31 authority over appraisal standards or the certification of
32 appraisers for federally related transactions.

33 2. The uniform appraisal standards shall meet all of the
34 following requirements:

35 a. Require compliance with federal law and appraisal



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1 standards adopted by federal authorities as they apply to
2 federally ~~covered~~ related transactions. This paragraph does
3 not require that an appraiser invoke a jurisdictional exception
4 to the uniform standards of professional appraisal practice
5 in order to comply with federal law and appraisal standards
6 adopted by federal authorities as they apply to federally
7 ~~covered~~ related transactions, unless federal law requires that
8 the exception be invoked.

9 **b.** Develop standards for the scope of practice for certified
10 real estate appraisers.

11 **c.** Required compliance with the uniform standards of
12 professional appraisal practice in all appraisal assignments.

13 **3.** Appraiser certification requirements shall require a
14 demonstration that the applicant has a working knowledge of
15 current appraisal theories, practices, and techniques which
16 will provide a high degree of service and protection to members
17 of the public dealt with in a professional relationship under
18 authority of the certification. The board shall establish the
19 examination specifications for each category of certified real
20 estate appraiser, provide or procure appropriate examinations,
21 establish procedures for grading examinations, receive and
22 approve or disapprove applications for certification, and issue
23 certificates.

24 **4.** The board shall maintain a registry of the names and
25 ~~addresses~~ certificate numbers of appraisers certified under
26 this chapter ~~and retain records and application materials~~
27 ~~submitted to the board~~ and the names and registration numbers
28 of associate appraisers registered under this chapter.

29 **Sec. 26.** Section 543D.8, unnumbered paragraph 1, Code 2013,
30 is amended to read as follows:

31 An original certification as a certified real estate
32 appraiser shall not be issued to a person who has not
33 demonstrated through ~~a written~~ an examination that the person
34 possesses the following knowledge and understanding:

35 **Sec. 27.** Section 543D.16, subsection 2, Code 2013, is

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1 amended to read as follows:

2 2. The basic continuing education requirement for renewal
3 of certification shall be the completion, before June 30 of
4 the year in which the appraiser's certificate expires, of the
5 number of hours of instruction required by the board in courses
6 or seminars which have received the preapproval of the board.
7 ~~Instructional hours by correspondence and home study courses~~
8 ~~claimed by an appraiser shall not exceed fifty percent of the~~
9 ~~required hours of instruction necessary for renewal.~~

10 Sec. 28. **NEW SECTION. 543D.22 Criminal background checks.**

11 1. The board may require a national criminal history check
12 through the federal bureau of investigation for applicants
13 for certification or registration, or for persons certified
14 or registered, under this chapter if needed to comply with
15 federal law or regulation, or the policies of the appraisal
16 qualification board of the appraisal foundation.

17 2. The board may require applicants, certificate holders,
18 or registrants to provide a full set of fingerprints, in a
19 form and manner prescribed by the board. Such fingerprints,
20 if required, shall be submitted to the federal bureau of
21 investigation through the state criminal history repository for
22 purposes of the national criminal history check.

23 3. The board may also request and obtain, notwithstanding
24 section 692.2, subsection 5, criminal history data for
25 applicants, certificate holders, and registrants. A request
26 for criminal history data shall be submitted to the department
27 of public safety, division of criminal investigation, pursuant
28 to section 692.2, subsection 1.

29 4. The board shall inform the applicant, certificate
30 holder, or registrant of the requirement of a national criminal
31 history check or request for criminal history data and obtain
32 a signed waiver from the applicant, certificate holder, or
33 registrant prior to requesting the check or data.

34 5. The board may, in addition to any other fees, charge
35 and collect such amounts as may be incurred by the board, the

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1 department of public safety, or federal bureau of investigation
2 in obtaining criminal history information. Amounts collected
3 shall be considered repayment receipts as defined in section
4 8.2, subsection 8.

5 6. Criminal history data and other criminal history
6 information relating to an applicant, certificate holder, or
7 registrant obtained by the board pursuant to this section is
8 confidential. Such information may, however, be used by the
9 board in a certificate or registration denial or disciplinary
10 proceeding.

11 Sec. 29. Section 544A.21, Code 2013, is amended by striking
12 the section and inserting in lieu thereof the following:

13 **544A.21 Practice by business entities.**

14 The board shall adopt rules to govern the practice of
15 architecture through business entities to protect the public
16 from misleading and deceptive advertising and to guard against
17 the unlicensed practice of architecture.

18 Sec. 30. LICENSE EXPIRATION DATES — TRANSITION
19 PROVISIONS. A license which would otherwise expire on or
20 before the effective date of this Act pursuant to Code sections
21 533A.4 and 533D.3 shall remain in full force and effect until
22 December 31, 2013, or January 1, 2014, as applicable.

23 EXPLANATION

24 This bill relates to matters under the purview of the banking
25 division of the department of commerce.

26 The bill amends provisions which currently prohibit a
27 depository, defined as a bank or credit union in which public
28 funds are deposited, from directly or indirectly paying
29 interest to a public officer on a demand deposit of public
30 funds, and prohibit a public officer from taking or receiving
31 interest. The bill provides that a depository may pay interest
32 to a public officer on deposits of public funds, and a public
33 officer may take or receive it. The bill deletes a provision
34 that the previous prohibition did not apply to interest on time
35 certificates of deposit or savings accounts for public funds.

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1 The bill deletes a provision characterizing a borrowing
2 group, for purposes of loans and extensions of credit by a
3 state bank, as including a person and any legal entity where
4 the interests of a group of more than one borrower, or any
5 combination of the members of the group, are so interrelated
6 that they should be considered a unit for the purpose of
7 applying lending limit limitations.

8 The bill makes several similar modifications throughout
9 Code chapters 533A (relating to engaging in the business of
10 debt management), 533C (relating to engaging in the business
11 of money transmission and engaging in the business of currency
12 exchange), and 533D (relating to engaging in a delayed deposit
13 service business). The bill provides that the superintendent
14 of banking may authorize applicants and licensees to be
15 licensed through a nationwide licensing system and to pay
16 the corresponding system processing fees, and that the
17 superintendent may establish by rule or order new requirements
18 including but not limited to requirements that applicants,
19 including officers and directors and those who have control of
20 the applicant, submit to fingerprinting and criminal history
21 checks. The bill states that in order to reduce the points of
22 contact which the federal bureau of investigation may have to
23 maintain the superintendent may use the nationwide licensing
24 system as a channeling agent for requesting information from
25 and distributing information to the United States department of
26 justice or other governmental agency, or to or from any other
27 source so directed by the superintendent.

28 Also, with reference to Code chapters 533A, 533C, and
29 533D, the bill provides that the superintendent may receive
30 documents, materials, or other information, including otherwise
31 confidential and privileged documents, materials, or other
32 information, through a nationwide licensing system and from
33 other local, state, federal, or international regulatory
34 agencies, the conference of state bank supervisors and
35 its affiliates and subsidiaries, the national association

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1 of consumer credit administrators and its affiliates and
2 subsidiaries, and any other regulator associations, and shall
3 maintain as confidential and privileged any such document,
4 material, or other information received with notice or the
5 understanding that it is confidential or privileged under the
6 laws of the jurisdiction that is the source of the document,
7 material, or other information.

8 Additionally, with reference to Code chapters 533A, 533C,
9 and 533D, the bill makes licensure expiration and renewal dates
10 consistent as December 1 for renewal and either December 31 or
11 January 1 (in the case of a delayed deposit services business)
12 for expiration.

13 The bill provides transition provisions specifying that
14 licenses which would otherwise have expired on or before the
15 bill's effective date of July 1, 2013, shall remain in full
16 force and effect until the expiration date as modified by the
17 bill.

18 The bill deletes outdated references to licensure under Code
19 chapter 533B, Code 2003, and related transition provisions,
20 contained in Code section 533C.904.

21 The bill adds to confidentiality provisions relating to the
22 mortgage licensing Act contained in Code section 535D.15. The
23 bill states that, except as otherwise provided by the Code
24 chapter, all papers, documents, examination reports, and other
25 writings relating to the supervision of licensees are not
26 public records and are not subject to disclosure under Code
27 chapter 22.

28 The bill changes the requirements for the five real estate
29 appraiser members of the Iowa real estate appraiser board
30 to require that they be actively engaged in practice as a
31 certified real estate appraiser and shall have been so engaged
32 for five years preceding their appointment, with at least
33 the last two years in this state. The bill makes conforming
34 changes consistent with this modification, and provides
35 that vacancies occurring during a term shall be filled by

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1 appointment by the governor for the unexpired term. The
2 bill permits a member to serve for three consecutive terms,
3 an increase from the current limit of two such terms, and
4 states that appointment to fill an unexpired term shall not
5 be considered a complete term for this purpose. The bill
6 authorizes members to be eligible for per diem and actual and
7 necessary expenses. Further, the bill modifies provisions
8 which had previously stated that the board shall consider and
9 may incorporate any standards recommended by the appraisal
10 foundation, or by a professional appraisal organization, or
11 by a public authority or organization responsible to review
12 appraisals or for the oversight of appraisers. This provision
13 is modified to refer to consideration and incorporation of any
14 standards required or recommended by the appraisal foundation
15 or by a federal agency with regulatory authority over appraisal
16 standards or the certification of appraisers for federally
17 related transactions.

18 The bill provides that uniform appraisal standards shall,
19 in addition to the current requirements, require compliance
20 with the uniform standards of professional appraisal practice
21 in all appraisal assignments. The bill also provides that the
22 board shall maintain a registry of the names and certificate
23 numbers, instead of addresses, of certified appraisers and
24 the names and registration numbers of registered associate
25 appraisers. The bill deletes a provision, with reference
26 to continuing education requirements, that instructional
27 hours by correspondence and home study courses claimed by an
28 appraiser shall not exceed 50 percent of the required hours of
29 instruction necessary for renewal.

30 Again with reference to real estate appraisers, the bill
31 adds provisions relating to criminal background checks.
32 The bill states that the board is authorized to require a
33 national criminal history check through the federal bureau
34 of investigation for applicants, certificate holders, or
35 registrants if needed to comply with federal law or regulation,



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1 or the policies of the appraisal qualification board of the
2 appraisal foundation. The bill states that the board is also
3 authorized to request and obtain state criminal history data
4 for applicants, certificate holders, and registrants. The
5 bill specifies that a request for criminal history data shall
6 be submitted to the department of public safety, division
7 of criminal investigation, pursuant to Code section 692.2,
8 subsection 1. The bill authorizes the board, in addition to
9 any other fees, to charge and collect such amounts as may
10 be incurred by the board, the department of public safety,
11 or federal bureau of investigation, in obtaining criminal
12 history information. The board shall inform the applicant,
13 certificate holder, or registrant of the requirement of a
14 national criminal history check or request for criminal history
15 data and obtain a signed waiver from the applicant, certificate
16 holder, or registrant prior to requesting the check or data.
17 Additionally, the bill specifies that criminal history data and
18 other criminal history information relating to an applicant,
19 certificate holder, or registrant obtained by the board is
20 confidential but may be used by the board in a certificate or
21 registration denial or disciplinary proceeding.

22 The bill deletes references to a "written" or "oral"
23 examination in relation to engineering, land surveying, real
24 estate broker and salesperson, and real estate appraiser
25 licensing examinations in favor of the nonspecific reference
26 to "examinations".

27 Finally, the bill deletes current detailed provisions
28 contained in Code section 544A.21 imposing requirements
29 relating to the practice of architecture through business
30 entities to protect the public from misleading and deceptive
31 advertising and to guard against the unlicensed practice of
32 architecture. The provisions are replaced with the statement
33 that the board shall adopt rules regarding the practice of
34 architecture through business entities.

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House Study Bill 152 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER)

A BILL FOR

1 An Act relating to record checks of prospective and current
2 health care employees and certain students.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1738YC (2) 85
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1 Section 1. Section 135C.33, subsection 2, Code 2013, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *Ob.* (1) If a person being considered for
4 employment, other than employment involving the operation
5 of a motor vehicle, has been convicted of a crime listed in
6 subparagraph (2) but does not have a record of founded child or
7 dependent abuse and the licensee has requested an evaluation
8 in accordance with paragraph "a" to determine whether the crime
9 warrants prohibition of the person's employment, the licensee
10 may employ the person for not more than sixty calendar days
11 pending completion of the evaluation.

12 (2) Subparagraph (1) applies to a crime that is a simple
13 misdemeanor offense under section 123.47 or chapter 321, and
14 to a crime that is a first offense of operating a motor vehicle
15 while intoxicated under section 321J.2, subsection 1.

16 Sec. 2. Section 135C.33, subsection 8, Code 2013, is amended
17 by adding the following new paragraph:

18 NEW PARAGRAPH. *Od.* (1) If a student's clinical education
19 component of the training program involves children or
20 dependent adults but does not involve operation of a motor
21 vehicle, and the student has been convicted of a crime listed
22 in subparagraph (2), but does not have a record of founded
23 child or dependent adult abuse, and the training program has
24 requested an evaluation in accordance with paragraph "c"
25 to determine whether the crime warrants prohibition of the
26 student's involvement in such clinical education component, the
27 training program may allow the student's participation in the
28 component for not more than sixty days pending completion of
29 the evaluation.

30 (2) Subparagraph (1) applies to a crime that is a simple
31 misdemeanor offense under section 123.47 or chapter 321, and
32 to a crime that is a first offense of operating a motor vehicle
33 while intoxicated under section 321J.2, subsection 1.

34 Sec. 3. STUDY OF BACKGROUND CHECK IMPROVEMENTS
35 AND REQUIREMENTS FOR CERTAIN PROVIDERS OF HOME HEALTH

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1 SERVICES. The department of inspections and appeals, in
2 conjunction with the departments of human services and
3 public health, shall study the potential for applying new
4 technologies and other improvements that may be implemented for
5 the current processes of performing and evaluating child and
6 dependent adult abuse and criminal record checks of persons
7 providing health care services. In addition, the study shall
8 consider applying record check requirements to individuals and
9 agencies providing home health services that are not subject
10 to certification, licensing, or other regulation by state
11 government. The department shall submit a report with findings
12 and recommendations to the governor and general assembly on or
13 before December 15, 2013.

14 EXPLANATION

15 This bill relates to evaluation of the results of certain
16 criminal record checks of prospective health care employees by
17 the department of human services (DHS).

18 Code section 135C.33, relating to criminal and child or
19 dependent adult abuse record checks of employees of health
20 care facilities and certified nurse aide student trainees, is
21 amended. The record check requirement applies to prospective
22 employees of nursing facilities, residential care facilities,
23 and intermediate care facilities for persons with mental
24 illness or a developmental disability, various in-home service
25 providers, hospices, Medicaid waiver service providers, elder
26 group homes, and assisted living programs. The requirement
27 also applies to nurse aide students pursuant to Code section
28 152.4(3)(d).

29 Current law provides that if it is determined that a
30 person being considered for employment has been convicted of
31 a crime under a law of any state, the department of public
32 safety shall notify the licensee that upon the request of the
33 licensee DHS will perform an evaluation to determine whether
34 the crime warrants prohibition of the person's employment in
35 the facility.

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1 The bill allows for conditional employment of not more than
2 60 calendar days of the prospective employee who was convicted
3 of a crime specified by the bill pending completion of the DHS
4 evaluation. The bill does not apply to employment involving
5 the operation of a motor vehicle or to persons with a record
6 of founded child or dependent adult abuse. The crimes covered
7 by the bill are limited to simple misdemeanor offenses under
8 Code section 123.47, involving purchase or possession of an
9 alcoholic beverage by a person who is not legal age, and
10 Code chapter 321, relating to motor vehicles and laws of the
11 road, and first offenses of operating a motor vehicle while
12 intoxicated under Code section 321J.2, subsection 1 (a serious
13 misdemeanor).

14 A similar new conditional employment exception is applied by
15 the bill to students applying for, enrolled in, or returning to
16 a certified nurse aide training program.

17 The department of inspections and appeals, in conjunction
18 with DHS and the department of public health, is required
19 to study the potential for applying new technologies and
20 other improvements that may be implemented for the current
21 processes of performing and evaluating child and dependent
22 adult abuse and criminal record checks of persons providing
23 health care services. In addition, the study is required to
24 consider applying record check requirements to individuals and
25 agencies providing home health services that are not subject
26 to certification, licensing, or other regulation by state
27 government. The department is required to report with findings
28 and recommendations to the governor and general assembly on or
29 before December 15, 2013.



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House Study Bill 153 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER)

A BILL FOR

1 An Act relating to the respiratory syncytial virus season and
2 the coverage of prescription drugs that protect against the
3 respiratory syncytial virus under the medical assistance
4 program.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2153YC (2) 85
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H.F. _____

1 Section 1. RESPIRATORY SYNCYTIAL VIRUS SEASON AND COVERAGE.

2 1. The department of human services shall establish and
3 employ a definition for the respiratory syncytial virus season
4 that is consistent with the definition established by the
5 centers for disease control and prevention of the United States
6 department of health and human services, which provides that
7 the respiratory syncytial virus season onset is the first of
8 two consecutive weeks during which the mean percentage of
9 respiratory syncytial virus specimens is greater than or equal
10 to ten percent, and the respiratory syncytial virus season
11 offset is the last of two consecutive weeks during which the
12 mean percentage of positive specimens is less than or equal to
13 ten percent.

14 2. The department of human services shall use Iowa virology
15 data collected by the Iowa department of public health and
16 reported on the department of public health's internet site to
17 prospectively estimate the start of the respiratory syncytial
18 virus season and follow the respiratory syncytial virus season
19 to the end.

20 3. The department of human services shall provide coverage
21 of prescription drugs that protect against respiratory
22 syncytial virus by November 1 of each year or at least
23 thirty days prior to the five-year median onset date of the
24 respiratory syncytial virus season for premature infants
25 or other pediatric patients determined to be at risk for
26 respiratory syncytial virus disease who are eligible for or
27 qualified to receive medical assistance coverage under chapter
28 249A.

29 4. The department of human services shall adopt rules to
30 implement the requirements of this section.

31 EXPLANATION

32 This bill relates to the respiratory syncytial virus (RSV)
33 season and the coverage of prescription drugs that protect
34 against RSV.

35 The bill requires the department of human services (DHS)

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1 to establish and use a definition for the RSV season that is
2 consistent with the definition established by the centers for
3 disease control and prevention of the United States department
4 of health and human services, which provides that the onset of
5 the RSV season occurs the first of two consecutive weeks when
6 the mean percentage of all RSV specimens is greater than or
7 equal to 10 percent. The RSV season offset occurs the last
8 of two consecutive weeks when the mean percentage of positive
9 specimens is less than or equal to 10 percent.

10 The bill also requires DHS to use virology data collected by
11 the Iowa department of public health to estimate the start of
12 the RSV season and follow the RSV season to the end.

13 The bill requires DHS to provide coverage of prescription
14 drugs that protect against RSV by November 1 of each year or
15 provide coverage at least 30 days prior to the five-year median
16 onset date of the RSV season to premature infants or pediatric
17 patients determined to be at risk for RSV who are eligible for
18 or qualified to receive coverage under Code chapter 249A.

19 The bill instructs DHS to adopt rules to implement the
20 requirements of the bill.



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Senate File 205 - Introduced

SENATE FILE 205
BY COMMITTEE ON ECONOMIC
GROWTH

(SUCCESSOR TO SF 122)

A BILL FOR

1 An Act relating to the targeted jobs withholding credit pilot
2 project and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1661SV (4) 85
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1 Section 1. Section 403.19A, subsection 1, paragraphs c, e,
2 f, and g, Code 2013, are amended to read as follows:

3 c. "*Employer*" means a business creating or retaining
4 targeted jobs in ~~an urban renewal area of~~ a pilot project city
5 pursuant to a withholding agreement.

6 e. "*Qualifying investment*" means a capital investment
7 in real property including the purchase price of land and
8 existing buildings, site preparation, building construction,
9 and long-term lease costs. "*Qualifying investment*" also means a
10 capital investment in depreciable assets. For purposes of this
11 paragraph, "*long-term lease costs*" means those costs incurred or
12 expected to be incurred under a lease during the duration of a
13 withholding agreement.

14 f. "*Targeted job*" means a job in a business which is or
15 will be located in ~~an urban renewal area of~~ a pilot project
16 city that pays a wage at least equal to the countywide average
17 wage. "*Targeted job*" includes new or retained jobs from Iowa
18 business expansions or retentions within the city limits of the
19 pilot project city and those jobs resulting from established
20 out-of-state businesses, as defined by the economic development
21 authority, moving to or expanding in Iowa.

22 g. "*Withholding agreement*" means the agreement between a
23 pilot project city, the economic development authority, and
24 an employer concerning the targeted jobs withholding credit
25 authorized in subsection 3.

26 Sec. 2. Section 403.19A, subsection 1, Code 2013, is amended
27 by adding the following new paragraph:

28 NEW PARAGRAPH. *Of.* "*Retained job*" means a full-time
29 equivalent position in existence at the time an employer enters
30 into a withholding agreement that remains continuously filled
31 or authorized to be filled as soon as possible and that is at
32 risk of elimination or relocation to an out-of-state location
33 if the project for which the employer receives assistance under
34 the withholding agreement does not proceed.

35 Sec. 3. Section 403.19A, subsection 3, paragraphs a, b, c,

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1 and f, Code 2013, are amended to read as follows:

2 a. A pilot project city may provide by ordinance resolution
3 for the deposit into a designated ~~account in the special~~
4 withholding project fund described in section 403.19,
5 ~~subsection 2,~~ of the targeted jobs withholding credit described
6 in this section. The targeted jobs withholding credit shall
7 be based upon the wages paid to employees pursuant to a
8 withholding agreement.

9 b. An amount equal to three percent of the gross wages paid
10 by an employer to each employee under a withholding agreement
11 shall be credited from the payment made by the employer
12 pursuant to section 422.16. If the amount of the withholding
13 by the employer is less than three percent of the gross wages
14 paid to the employees covered by the withholding agreement,
15 the employer shall receive a credit against other withholding
16 taxes due by the employer or may carry the credit forward for
17 up to ten years or until depleted, whichever is the earlier.
18 The employer shall remit the amount of the credit quarterly,
19 in the same manner as withholding payments are reported to
20 the department of revenue, to the pilot project city to be
21 allocated to and when collected paid into a designated ~~account~~
22 in the special withholding project fund for the urban renewal
23 ~~area in which the targeted jobs are located project.~~ All
24 amounts so deposited shall be used or pledged by the pilot
25 project city for ~~an urban renewal~~ a project related to the
26 employer pursuant to the withholding agreement.

27 c. (1) The pilot project city and the economic development
28 authority shall enter into a withholding agreement with each
29 employer concerning the targeted jobs withholding credit. The
30 withholding agreement shall provide for the total amount of
31 withholding credits awarded, as negotiated by the economic
32 development authority, the pilot project city, and the
33 employer. An agreement shall not provide for an amount of
34 withholding credits that exceeds the amount of the qualifying
35 investment made in the project. An agreement shall not be

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1 entered into ~~by a pilot project city~~ with a business currently
2 located in this state unless the business either creates or
3 retains ten new jobs or makes a qualifying investment of at
4 least five hundred thousand dollars within the ~~urban renewal~~
5 area pilot project city. The withholding agreement may
6 have a term of years negotiated by the economic development
7 authority, the pilot project city, and the employer, of up
8 to ten years. A withholding agreement specifying a terms of
9 years or a total amount of withholding credits shall terminate
10 upon the expiration of the term of years specified in the
11 agreement or upon the award of the total amount of withholding
12 credits specified in the agreement, whichever occurs first. An
13 employer shall not be obligated to enter into a withholding
14 agreement. An agreement shall not be entered into with an
15 employer not already located in a pilot project city when
16 another Iowa community is competing for the same project and
17 both the pilot project city and the other Iowa community are
18 seeking assistance from the authority.

19 (2) The pilot project city and the economic development
20 authority shall not enter into a withholding agreement after
21 June 30, ~~2013~~ 2018.

22 (3) The employer, in conjunction with the pilot project
23 city, shall provide on an annual basis to the economic
24 development authority information documenting the total
25 amount of payments and receipts under a withholding agreement,
26 including all agreements with an employer to suspend, abate,
27 exempt, rebate, refund, or reimburse property taxes, to provide
28 a grant for property taxes paid or a grant not related to
29 property taxes, or to make a direct payment of taxes, with
30 moneys in the ~~special~~ withholding project fund. The economic
31 development authority shall verify the information provided ~~by~~
32 ~~the pilot project city~~ and determine whether the pilot project
33 city and the employer are in compliance with this section and
34 the rules adopted by the economic development authority to
35 implement this section.



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1 (4) The economic development authority board, on behalf of
2 the authority, shall have the authority to approve or deny a
3 withholding agreement and according to the provisions of this
4 section. Each withholding agreement, and the total amount of
5 withholding credits allowed under the withholding agreement,
6 shall be approved by the economic development authority board
7 after taking into account the incentives or assistance received
8 by or to be received by the employer under other economic
9 development programs. The economic development authority
10 board shall only deny an agreement if the agreement fails to
11 meet the requirements of this paragraph "c" or the local match
12 requirements in paragraph "j", or if an employer is not in good
13 standing as to prior or existing agreements with the economic
14 development authority. The authority shall have the authority
15 to negotiate a withholding agreement and may suggest changes to
16 an any of the terms of the agreement.

17 f. If the economic development authority, following an
18 eighteen-month performance period beginning on the date the
19 withholding agreement is approved by the authority board,
20 determines that the employer ceases to meet the requirements
21 of the withholding agreement relating to retaining jobs, if
22 applicable, the agreement shall be terminated by the economic
23 development authority and the pilot project city and any
24 withholding credits for the benefit of the employer shall
25 cease. However, in regard to the number of jobs that are to
26 be created or retained, if the employer has met the number of
27 jobs to be created or retained pursuant to the withholding
28 agreement and subsequently the number of jobs falls below the
29 required level, the employer shall not be considered as not
30 meeting the job requirement until eighteen months after the
31 date of the decrease in the number of jobs created or retained.
32 If the economic development authority, following a three-year
33 performance period beginning on the date the withholding
34 agreement is approved by the authority board, determines
35 that the employer has not or is incapable of meeting the

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1 requirements of the withholding agreement relating to creating
2 jobs, if applicable, or the requirement of the withholding
3 agreement relating to the qualifying investment prior to the
4 end of the withholding agreement, the economic development
5 authority may reduce the future benefits to the employer under
6 the agreement or negotiate with the other parties to terminate
7 the agreement early. Notice shall be provided promptly by
8 the pilot project city to the department of revenue following
9 termination of a withholding agreement.

10 Sec. 4. Section 403.19A, subsection 3, paragraph d,
11 subparagraph (1), Code 2013, is amended to read as follows:

12 (1) A copy of the adopted local development agreement
13 ~~plan of~~ between the pilot project city and the employer
14 that outlines local incentives or assistance for the project
15 using urban renewal or urban revitalization incentives, if
16 applicable.

17 Sec. 5. Section 403.19A, subsection 3, Code 2013, is amended
18 by adding the following new paragraph:

19 NEW PARAGRAPH. *Of.* Pursuant to rules adopted by the
20 economic development authority, the pilot project city
21 shall provide on an annual basis to the economic development
22 authority information documenting the compliance of each
23 employer with each requirement of the withholding agreement,
24 including but not limited to the number of jobs created or
25 retained and the amount of investment made by the employer.
26 The economic development authority shall, in response to
27 receiving such information from the pilot project city, assess
28 the level of compliance by each employer and provide to the
29 pilot project city recommendations for either maintaining
30 employer compliance with the withholding agreement or
31 terminating the agreement for noncompliance under paragraph
32 "f". The economic development authority shall also provide each
33 such assessment and recommendation report to the department of
34 revenue.

35 Sec. 6. APPLICABILITY.



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1 1. Except as provided in subsection 2, this Act applies to
2 withholding agreements entered into on or after the effective
3 date of this Act and withholding agreements entered into by
4 a pilot project city prior to the effective date of this Act
5 shall be governed by section 403.19A, Code 2013.

6 2. The section of this Act enacting section 403.19A,
7 subsection 3, paragraph "Of", applies to withholding agreements
8 entered into prior to the effective date of this Act or entered
9 into on or after the effective date of this Act.

10 EXPLANATION

11 This bill modifies the targeted jobs withholding tax credit
12 program, which is a pilot program enacted in 2006 to allow
13 the diversion of withholding funds paid by an employer to be
14 matched by a designated pilot project city to create economic
15 incentives that can be directed toward businesses located
16 within urban renewal areas in the city pursuant to the terms of
17 a withholding agreement with a business and after approval of
18 the agreement by the Iowa economic development authority.

19 The bill removes the requirement that an employer that is a
20 party to a withholding agreement with a pilot project city be
21 located in an urban renewal area. The bill removes a similar
22 requirement relating to the definition of targeted job. The
23 bill makes corresponding changes to Code section 403.19A to
24 reflect the removal of the urban renewal area requirement,
25 including providing that the targeted jobs withholding credits
26 be deposited in a withholding project fund rather than the
27 special fund established for urban renewal purposes.

28 The bill allows a pilot project city to provide for the
29 deposit of the amount of the targeted jobs withholding credit
30 into the city's withholding project fund by resolution, rather
31 than by ordinance.

32 The bill provides a definition of long-term lease costs as
33 part of the definition of qualifying investment under the pilot
34 program and provides a definition of retained job.

35 Under current law, a pilot project city may not enter into a

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1 withholding agreement after June 30, 2013. The bill adds the
2 economic development authority to the list of required parties
3 to a withholding agreement and prohibits a pilot project city
4 and the economic development authority from entering into a
5 withholding agreement after June 30, 2018. The bill specifies
6 subject areas of a withholding agreement that may be negotiated
7 by the parties and provides that a withholding agreement that
8 specifies a term of years or a total amount of withholding
9 credits shall terminate upon expiration of the term of years
10 or upon the award of the total amount of withholding credits,
11 whichever occurs first.

12 The bill requires the reporting of certain withholding
13 agreement payment and receipt information by the employer,
14 in conjunction with the pilot project city, and requires the
15 economic development authority to verify such information and
16 determine whether the pilot project city and the employer are
17 in compliance with Code section 403.19A and rules adopted to
18 implement that Code section.

19 The bill provides that the economic development authority
20 board approves or denies a withholding agreement on behalf of
21 the authority and specifies considerations to be made by the
22 board in deciding whether to approve or deny a withholding
23 agreement.

24 The bill establishes an 18-month performance period
25 following which the economic development authority determines
26 compliance with the job retention requirements of the
27 withholding agreement, if applicable, establishes a three-year
28 performance period following which the authority determines
29 compliance with the job creation and investment requirements
30 of the withholding agreement, and specifies the actions to
31 be taken by the authority and the pilot project city after a
32 determination of noncompliance.

33 Except as otherwise provided in the bill, the bill applies
34 to withholding agreements entered into by a pilot project city
35 on or after the effective date of the bill. The bill provides

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1 that withholding agreements entered into by a pilot project
2 city prior to the effective date of the bill shall be governed
3 by Code section 403.19A, Code 2013. However, the section of
4 the bill enacting Code section 403.19A(3)(Of), relating to
5 compliance reporting, applies to withholding agreements entered
6 into prior to, on, or after the effective date of the bill.



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Senate File 206 - Introduced

SENATE FILE 206
BY ERNST

A BILL FOR

1 An Act relating to property division in dissolution proceedings
2 relating to military disposable retired pay.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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pf/nh



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S.F. 206

1 Section 1. Section 598.21, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6A. *Disposable retired pay — member of*
4 *the military.* Disposable retired pay, as defined pursuant to
5 10 U.S.C. § 1408(a)(4), to which a party is entitled shall be
6 subject to property division but shall be restricted such that
7 any award shall correspond with the party's length of service
8 and pay grade at the time of the dissolution, not the future
9 time of retirement, if applicable.

10 EXPLANATION

11 Under the federal Uniformed Services Former Spouses
12 Protection Act, the disposable retired pay of a member of
13 the military may be considered property in a dissolution of
14 marriage. This bill provides, however, that any award of
15 disposable retired pay is to correspond with the length of
16 service and pay grade of the recipient party at the time of the
17 dissolution, not the future time of retirement, if applicable.



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Senate File 207 - Introduced

SENATE FILE 207

BY ERNST, FEENSTRA, JOHNSON,
SEGEBART, ROZENBOOM,
GREINER, and CHELGREN

A BILL FOR

1 An Act exempting federal retirement pay received for military
2 service from the state individual income tax and including
3 retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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mm/sc



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S.F. 207

1 Section 1. Section 422.7, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 31A. *a.* Subtract, to the extent included,
4 retirement pay received by the taxpayer from the federal
5 government for military service performed in the armed forces,
6 the armed forces military reserve, or national guard.
7 *b.* The exclusion of retirement pay under this subsection is
8 in addition to any exclusion provided under subsection 31.
9 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
10 retroactively to January 1, 2013, for tax years beginning on
11 or after that date.

12

EXPLANATION

13 This bill exempts from the individual income tax all
14 retirement pay from federal military service in the armed
15 forces, the military reserve, or national guard. The exemption
16 is in addition to the general pension exclusion.
17 The bill applies retroactively to January 1, 2013, for tax
18 years beginning on or after that date.



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Senate File 208 - Introduced

SENATE FILE 208
BY ERNST

A BILL FOR

1 An Act exempting veterans from the requirement to obtain
2 permits to acquire pistols or revolvers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1755XS (2) 85
rh/rj



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S.F. 208

1 Section 1. Section 724.15, subsection 2, Code 2013, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. f. The person is a veteran as defined in
4 section 35.1.

5 EXPLANATION

6 Current law provides that any person who desires to acquire
7 ownership of any pistol or revolver shall first obtain an
8 annual permit to acquire a pistol or revolver from the sheriff
9 of the county where the person resides. An applicant must
10 meet certain minimum application requirements and must pass
11 a criminal history background check. In certain situations,
12 certain persons are exempt from this permit requirement
13 including a licensed firearm dealer who transfers a pistol
14 or revolver to another licensed firearm dealer; a person who
15 acquires a pistol or revolver that is an antique firearm, a
16 collector's item, a device which is not designed or redesigned
17 for use as a weapon, a device which is designed solely for
18 use as a signaling, pyrotechnic, line-throwing, safety, or
19 similar device, or a firearm which is unserviceable; a person
20 who acquires a pistol or revolver under the authority of a law
21 enforcement agency; a person who has obtained a valid permit to
22 carry weapons; or a person who transfers a pistol or revolver
23 to certain family members unless the person transferring the
24 pistol or revolver knows that the person acquiring the pistol
25 or revolver would be disqualified from obtaining a permit.

26 This bill includes veterans in the list of persons who are
27 not required to obtain a permit to acquire pistols or revolvers
28 before purchasing a pistol or revolver. "Veteran" means the
29 same as defined in Code section 35.1.



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Senate File 209 - Introduced

SENATE FILE 209
BY ERNST

A BILL FOR

1 An Act relating to property division in dissolution proceedings
2 relating to military disposable retired pay and including
3 remarriage of a party.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2298XS (3) 85
pf/nh



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S.F. 209

1 Section 1. Section 598.21, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6A. *Disposable retired pay — member of*
4 *the military.* Disposable retired pay, as defined pursuant to
5 10 U.S.C. § 1408(a)(4), to which a party is entitled shall be
6 subject to property division but shall be restricted such that
7 any award shall correspond with the party's length of service
8 and pay grade at the time of the dissolution, not the future
9 time of retirement, if applicable, and shall terminate for the
10 party who is not the entitled party upon remarriage of that
11 party.

12 EXPLANATION

13 Under the federal Uniformed Services Former Spouses
14 Protection Act, the disposable retired pay of a member of
15 the military may be considered property in a dissolution of
16 marriage. This bill provides, however, that any award of
17 disposable retired pay is to correspond with the length of
18 service and pay grade of the recipient party at the time of the
19 dissolution, not the future time of retirement, if applicable,
20 and shall terminate for the party who is not the entitled party
21 upon remarriage of that party.



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Senate File 210 - Introduced

SENATE FILE 210
BY ERNST

A BILL FOR

1 An Act prohibiting cities from enforcing certain
2 parking-related ordinances against an owner of a vehicle
3 bearing purple heart plates.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1651XS (1) 85
aw/nh



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S.F. 210

1 Section 1. Section 364.3, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 11. A city that operates and maintains
4 parking meters, either on-street or off-street, shall not
5 enforce any ordinance related to parking at such parking meters
6 against an owner of a vehicle bearing purple heart plates
7 issued pursuant to section 321.34, subsection 18.

8 EXPLANATION

9 This bill prohibits cities from enforcing certain
10 parking-related ordinances against an owner of a vehicle
11 bearing purple heart plates.



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Senate File 211 - Introduced

SENATE FILE 211

BY ERNST, FEENSTRA, JOHNSON,
SEGEBART, GREINER,
ROZENBOOM, and CHELGREN

A BILL FOR

1 An Act providing an exemption from the computation of the state
2 individual income tax of all pay, including retirement pay,
3 received from the federal government for military service
4 and including retroactive applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1815XS (2) 85
mm/sc



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S.F. 211

1 Section 1. Section 422.7, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 31A. *a.* Subtract, to the extent included,
4 retirement pay received by the taxpayer from the federal
5 government for military service performed in the armed forces,
6 the armed forces military reserve, or national guard.

7 *b.* The exclusion of retirement pay under this subsection is
8 in addition to any exclusion provided under subsection 31.

9 Sec. 2. Section 422.7, subsection 42A, Code 2013, is amended
10 to read as follows:

11 42A. Subtract, to the extent included, all pay received by
12 the taxpayer from the federal government for military service
13 ~~performed while on active duty status~~ in the armed forces, the
14 armed forces military reserve, or the national guard.

15 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies
16 retroactively to January 1, 2013, for tax years beginning on
17 or after that date.

18 EXPLANATION

19 This bill exempts from the individual income tax all pay,
20 including retirement pay, received by a taxpayer from the
21 federal government for military service in the armed forces,
22 the armed forces military reserve, or national guard.

23 The bill applies retroactively to January 1, 2013, for tax
24 years beginning on or after that date.



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Senate File 212 - Introduced

SENATE FILE 212

BY SODDERS, BOWMAN, and BRASE

A BILL FOR

1 An Act concerning the placement of whistle warning signs
2 along railroad tracks, providing a penalty, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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S.F. 212

1 Section 1. NEW SECTION. 327F.15 Whistle warning signs.

2 1. A railroad company shall erect and maintain a whistle
3 warning sign along a railroad track owned by the railroad
4 company at a distance of approximately one thousand three
5 hundred twenty feet in each direction in advance of each public
6 highway-rail grade crossing where the sounding of a locomotive
7 whistle or bell is required pursuant to 49 C.F.R. § 222.21 or
8 by section 327G.13.

9 a. A sign required under this subsection shall be made
10 of reflective material and stand at least sixty inches above
11 grade.

12 b. A sign required under this subsection shall be visible
13 to both the engineer and the conductor of a train and shall be
14 maintained clear of obstructions.

15 2. An engineer or conductor, or the representative of
16 an engineer or conductor, may report a missing or damaged
17 whistle warning sign by written notice to the department of
18 transportation. Upon receipt of such notice, the department
19 shall notify the appropriate railroad company, and the railroad
20 company shall repair or replace the missing or damaged sign no
21 later than thirty days after being notified by the department.

22 3. This section does not apply to private highway-rail
23 grade crossings or to public highway-rail grade crossings that
24 are subject to a local ordinance banning the sounding of a
25 whistle. For purposes of this section, "*private highway-rail*
26 *grade crossing*" and "*public highway-rail grade crossing*" mean as
27 defined in 49 C.F.R. § 222.9.

28 4. A railroad company found to have violated this section or
29 a rule adopted or order issued pursuant to this section shall
30 be subject to a schedule "two" penalty as provided in section
31 327C.5. Each day that the violation continues constitutes a
32 separate offense.

33 5. The department may adopt rules as necessary to administer
34 this section.

35 Sec. 2. ADOPTION OF ADMINISTRATIVE RULES. The department

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1 of transportation shall adopt rules pursuant to chapter 17A to
2 implement section 327F.15, as enacted in this Act.

3 Sec. 3. EFFECTIVE DATE. Except as otherwise provided, this
4 Act takes effect January 1, 2014.

5 Sec. 4. EFFECTIVE UPON ENACTMENT. The following provision
6 or provisions of this Act, being deemed of immediate
7 importance, take effect upon enactment:

8 1. The section of this Act requiring the adoption of
9 administrative rules by the department of transportation.

10 EXPLANATION

11 This bill requires a railroad company to post whistle
12 warning signs along railroad tracks owned by the railroad.
13 A sign must be posted approximately 1,320 feet (one-quarter
14 mile) in each direction in advance of each public highway-rail
15 crossing where the sounding of a locomotive whistle or bell is
16 required pursuant to federal or state law. The signs must be
17 made of reflective material, stand at least 60 inches above
18 grade, be visible to both the engineer and conductor of a
19 train, and be maintained clear of obstructions.

20 A missing or damaged whistle warning sign may be reported by
21 an engineer or conductor by written notice to the department
22 of transportation. Upon receipt of a report, the department
23 shall notify the railroad company of the damaged or missing
24 sign, and the railroad company is required to replace or repair
25 the sign within 30 days of notification. The requirement to
26 post whistle warning signs in advance of public highway-rail
27 crossings does not apply to private highway-rail crossings nor
28 to public highway-rail crossings that are subject to a local
29 whistle ban.

30 A violation of the requirements of the bill is a schedule
31 "two" violation. Pursuant to current law, a schedule "two"
32 penalty is usually imposed on a railroad company for failing to
33 make a repair of railroad facilities ordered by the department.
34 Each day that a violation continues constitutes a separate
35 offense.

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1 The department of transportation is required to adopt rules
2 to implement the requirements of the bill.
3 The bill takes effect January 1, 2014, except that the
4 section of the bill requiring the adoption of rules takes
5 effect upon enactment of the bill.



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Senate File 213 - Introduced

SENATE FILE 213
BY SODDERS

A BILL FOR

1 An Act authorizing tribal governments to establish a force of
2 reserve peace officers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1967XS (2) 85
ec/nh



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S.F. 213

1 Section 1. Section 80D.1, Code 2013, is amended to read as
2 follows:

3 **80D.1 Establishment of a force of reserve peace officers.**

4 1. The governing body of a city, a county, the state
5 of Iowa, or a judicial district department of correctional
6 services may provide, either separately or collectively through
7 a chapter 28E agreement, for the establishment of a force of
8 reserve peace officers, and may limit the size of the reserve
9 force. In the case of the state, the department of public
10 safety shall act as the governing body.

11 2. The governing body of a tribal government may provide for
12 the establishment of a force of reserve peace officers and may
13 limit the size of the reserve force.

14 3. This chapter constitutes the only procedure for
15 appointing reserve peace officers.

16 Sec. 2. NEW SECTION. **80D.6A Status of reserve peace**
17 **officers of a tribal government.**

18 Reserve peace officers of a tribal government shall serve as
19 peace officers on the orders and at the discretion of the chief
20 of the police force of the tribal government. While in the
21 actual performance of official duties, reserve peace officers
22 of a tribal government shall be vested with the same rights,
23 privileges, obligations, and duties as any other peace officers
24 of the tribal government.

25 Sec. 3. Section 80D.12, Code 2013, is amended to read as
26 follows:

27 **80D.12 Benefits when injured.**

28 1. Hospital and medical assistance and benefits as provided
29 in chapter 85 shall be provided by the governing body to
30 members of the reserve force who sustain injury in the course
31 of performing official duties.

32 2. For reserve police officers of a tribal government,
33 hospital and medical assistance and benefits shall be provided
34 by the tribal government to members of the reserve force who
35 sustain injury while performing official duties in the same

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1 manner as for a regular peace officer of the tribal government.

2 Sec. 4. Section 85.61, subsection 8, Code 2013, is amended
3 to read as follows:

4 8. The words "*reserve peace officer*" shall mean a person
5 defined as such by section 80D.1, subsection 1, who is not a
6 full-time member of a paid law enforcement agency. A person
7 performing such services shall not be classified as a casual
8 employee.

9 EXPLANATION

10 This bill authorizes a tribal government to establish a
11 force of reserve peace officers.

12 The bill authorizes the governing body of a tribal
13 government to establish a force of reserve peace officers and
14 to limit the size of the force.

15 New Code section 80D.6A provides that reserve peace officers
16 of a tribal government shall serve as peace officers at the
17 discretion of the chief of the police force for the tribal
18 government and shall be vested with the same authority as any
19 other peace officer of the tribal government while in the
20 performance of their duties.

21 Code section 80D.12, concerning medical benefits for reserve
22 peace officers, is amended to provide that reserve peace
23 officers of a tribal government shall be provided medical
24 benefits for injuries while performing their duties in the same
25 manner as for regular peace officers of the tribal government.

26 Code section 85.61 is amended to provide that a reserve peace
27 officer for purposes of workers' compensation does not include
28 a reserve peace officer of a tribal government.



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Senate File 214 - Introduced

SENATE FILE 214
BY SODDERS

A BILL FOR

1 An Act relating to the reimbursement of certain attorney fees
2 and court costs of peace officers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1928XS (4) 85
md/sc



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S.F. 214

1 Section 1. NEW SECTION. 815.15 Peace officer attorney fees
2 and costs — reimbursement.

3 1. The employing agency of a peace officer shall reimburse
4 the reasonable attorney fees and necessary costs incurred by
5 the officer as a defendant in the defense of a criminal action
6 commenced against the officer in any court if the criminal
7 action arose out of the performance of the peace officer's
8 official duties and if any of the following occur:

9 a. The criminal action is dismissed with prejudice.

10 b. The peace officer is found to be not guilty. A finding
11 of not guilty shall not include the entry of a plea of guilty or
12 nolo contendere or a finding of guilt by a court or jury to any
13 offense charged or to any lesser or included offense that is
14 substantially related to the offense charged.

15 2. For the purposes of this section:

16 a. "Peace officer" means the same as defined in section
17 801.4.

18 b. "Performance of the peace officer's official duties"
19 means the peace officer's actions were not acts of omission
20 or commission which constituted a material departure from the
21 employing agency's written policies and procedures and occurred
22 under one or more of the following circumstances:

23 (1) In response to what the peace officer reasonably
24 believed was an emergency.

25 (2) The peace officer reasonably believed that the
26 officer's actions were necessary to protect the officer or
27 others from imminent death or bodily harm.

28 (3) In the course of the peace officer's fresh pursuit,
29 apprehension, or attempted apprehension of a suspect whom the
30 officer reasonably believed had perpetrated, or attempted to
31 perpetrate, a forcible felony as defined in section 702.11.

32 3. If reimbursement is required under subsection 1, the
33 amount of reasonable attorney fees and necessary costs shall be
34 determined as follows:

35 a. The peace officer shall submit an application for

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1 reimbursement of reasonable attorney fees and necessary
2 costs to the employing agency no later than thirty days after
3 conclusion of the criminal action. Within thirty days after
4 receiving the application, the employing agency and the peace
5 officer shall agree on reasonable attorney fees and necessary
6 costs to be reimbursed. The peace officer may only apply for
7 reasonable attorney fees and necessary costs incurred in the
8 actual defense of the prosecution of criminal charges, and the
9 officer is not entitled to seek or collect attorney fees and
10 necessary costs related to efforts to collect attorney fees and
11 necessary costs under this section.

12 *b.* The application for reasonable attorney fees and
13 necessary costs must include a statement from an attorney or
14 expert witness representing or appearing in behalf of the peace
15 officer itemizing the actual time expended and the rate at
16 which fees and other expenses were computed.

17 *c.* If the peace officer and the employing agency do not
18 reach an agreement or if reimbursement is not paid within
19 thirty days of reaching an agreement, the officer requesting
20 reimbursement may submit the application to the court having
21 jurisdiction over the criminal action within thirty days after
22 the conclusion of the criminal action, failure to reach an
23 agreement, or failure to timely reimburse the fees and costs,
24 whichever is later. The court shall retain jurisdiction of the
25 matter in order to determine entitlement to reimbursement and
26 the amount of reimbursement to be paid.

27 *d.* If the peace officer files an application for reasonable
28 attorney fees and necessary costs with the court, the employing
29 agency shall have the right to respond to the application.
30 The court shall make its determination as to entitlement and
31 amount of reasonable attorney fees and necessary costs based
32 on prevailing market rates in the appropriate market area for
33 defense of similar actions, as well as other relevant factors.

34 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
35 3, shall not apply to this Act.

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1 EXPLANATION

2 This bill enacts new Code section 815.15, which requires an
3 employing agency of a peace officer, as defined in the bill,
4 to reimburse the reasonable attorney fees and necessary costs
5 incurred by the officer as a defendant in the defense of a
6 criminal action commenced against the officer if the criminal
7 action arose out of the performance of the peace officer's
8 official duties and either the criminal action is dismissed
9 with prejudice or the peace officer is found to be not guilty.
10 The bill defines "performance of the peace officer's official
11 duties".

12 If reimbursement is required under the bill, the peace
13 officer must submit an application for reimbursement no later
14 than 30 days after conclusion of the criminal action. Within
15 30 days after receiving the application, the employing agency
16 and the peace officer shall agree on reasonable attorney fees
17 and necessary costs to be reimbursed. If the peace officer
18 and the employing agency do not reach an agreement within that
19 time or if reimbursement is not paid within 30 days of reaching
20 an agreement, the officer requesting reimbursement of attorney
21 fees and necessary costs may submit the application to the
22 court having jurisdiction over the criminal action. The court
23 then makes its determination as to entitlement and amount of
24 reasonable attorney fees and necessary costs to be reimbursed
25 based on prevailing market rates in the appropriate market
26 area for defense of similar actions, as well as other relevant
27 factors.

28 The bill may include a state mandate as defined in Code
29 section 25B.3. The bill makes inapplicable Code section 25B.2,
30 subsection 3, which would relieve a political subdivision from
31 complying with a state mandate if funding for the cost of
32 the state mandate is not provided or specified. Therefore,
33 political subdivisions are required to comply with any state
34 mandate included in the bill.



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Senate File 215 - Introduced

SENATE FILE 215
BY SODDERS

A BILL FOR

1 An Act relating to the intentional transmission of a contagious
2 or infectious disease, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1985XS (2) 85
pf/nh



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1 Section 1. NEW SECTION. 709D.1 Title.

2 This chapter shall be known and may be cited as the
3 "*Contagious or Infectious Disease Transmission Act*".

4 Sec. 2. NEW SECTION. 709D.2 Definitions.

5 As used in this chapter, unless the context otherwise
6 requires:

7 1. "*Contagious or infectious disease*" means hepatitis in any
8 form, meningococcal disease, AIDS or HIV as defined in section
9 141A.1, or tuberculosis.

10 2. "*Exposes*" means engaging in conduct that poses a
11 substantial risk of transmission, but does not include conduct
12 posing a low or negligible risk of transmission, consistent
13 with guidance issued by the centers for disease control and
14 prevention of the United States department of health and human
15 services.

16 3. "*Practical means to prevent transmission*" means
17 substantial compliance with a treatment regimen prescribed
18 by a health care provider that measurably limits the risk
19 of transmission of the contagious or infectious disease,
20 substantial compliance with behavioral recommendations of
21 the infected person's health care provider or public health
22 officials to measurably limit the risk of transmission of the
23 contagious or infectious disease, or other methods generally
24 accepted by the medical profession to measurably limit the risk
25 of transmission of the contagious or infectious disease, such
26 as use of a medically indicated respiratory mask or use of a
27 prophylactic device.

28 Sec. 3. NEW SECTION. 709D.3 Intentional transmission of a
29 contagious or infectious disease.

30 1. A person commits a class "C" felony when the person
31 knows the person is infected with a contagious or infectious
32 disease and exposes an uninfected person to the contagious or
33 infectious disease with the intent that the uninfected person
34 contract the contagious or infectious disease, and the conduct
35 results in the uninfected person becoming infected with the



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1 contagious or infectious disease.

2 2. A person commits a class "D" felony when the person
3 knows the person is infected with a contagious or infectious
4 disease and exposes an uninfected person to the contagious or
5 infectious disease with the intent that the uninfected person
6 contract the contagious or infectious disease, but the conduct
7 does not result in the uninfected person becoming infected with
8 the contagious or infectious disease.

9 3. A person commits an aggravated misdemeanor when the
10 person knows the person is infected with a contagious or
11 infectious disease and exposes an uninfected person to the
12 contagious or infectious disease acting with a reckless
13 disregard as to whether the uninfected person contracts the
14 contagious or infectious disease, and the conduct results in
15 the uninfected person becoming infected with the contagious or
16 infectious disease.

17 4. The act of becoming pregnant while infected with a
18 contagious or infectious disease, continuing a pregnancy while
19 infected with a contagious or infectious disease, or declining
20 treatment for a contagious or infectious disease during
21 pregnancy shall not constitute a crime under this chapter.

22 5. Evidence that a person knows the person is infected with
23 a contagious or infectious disease and has engaged in conduct
24 that exposes others to the contagious or infectious disease,
25 regardless of the frequency of the conduct, is insufficient
26 on its own to prove the intent to transmit the contagious or
27 infectious disease.

28 6. A person does not act with the intent required pursuant
29 to subsection 1 or 2, or with the reckless disregard required
30 pursuant to subsection 3, if the person takes practical
31 means to prevent transmission, or if the person informs
32 the uninfected person that the person has a contagious
33 or infectious disease and offers to take practical means
34 to prevent transmission but that offer is rejected by the
35 uninfected person subsequently exposed to the infectious or

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1 contagious disease.

2 7. It is an affirmative defense to a charge under this
3 section if the person exposed to the contagious or infectious
4 disease knew that the infected person was infected with the
5 contagious or infectious disease at the time of the exposure
6 and consented to exposure with that knowledge.

7 Sec. 4. Section 141A.9, subsection 2, paragraph i, Code
8 2013, is amended to read as follows:

9 *i.* Pursuant to sections 915.42 and 915.43, to a convicted or
10 alleged sexual assault offender; the physician or other health
11 care provider who orders the test of a convicted or alleged
12 offender; the victim; the parent, guardian, or custodian of the
13 victim if the victim is a minor; the physician of the victim
14 if requested by the victim; the victim counselor or person
15 requested by the victim to provide counseling regarding the
16 HIV-related test and results; the victim's spouse; persons
17 with whom the victim has engaged in vaginal, anal, or oral
18 intercourse subsequent to the sexual assault; members of the
19 victim's family within the third degree of consanguinity; and
20 the county attorney who ~~may use the results as evidence in the~~
21 ~~prosecution of sexual assault under chapter 915, subchapter V,~~
22 ~~or prosecution of the offense of criminal transmission of HIV~~
23 ~~under chapter 709C~~ filed the petition for HIV-related testing
24 under section 915.42. For the purposes of this paragraph,
25 "*victim*" means victim as defined in section 915.40.

26 Sec. 5. Section 692A.101, subsection 1, paragraph a,
27 subparagraph (9), Code 2013, is amended by striking the
28 subparagraph.

29 Sec. 6. Section 692A.102, subsection 1, paragraph c,
30 subparagraph (23), Code 2013, is amended by striking the
31 subparagraph.

32 Sec. 7. Section 915.43, subsections 4 and 5, Code 2013, are
33 amended to read as follows:

34 4. Results of a test performed under this subchapter,
35 except as provided in subsection 13, shall be disclosed only



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1 to the physician or other practitioner who orders the test of
2 the convicted or alleged offender; the convicted or alleged
3 offender; the victim; the victim counselor or person requested
4 by the victim to provide counseling regarding the HIV-related
5 test and results; the physician of the victim if requested by
6 the victim; the parent, guardian, or custodian of the victim,
7 if the victim is a minor; and the county attorney who filed
8 the petition for HIV-related testing under this chapter, ~~who~~
9 ~~may use the results to file charges of criminal transmission~~
10 ~~of HIV under chapter 709C.~~ Results of a test performed under
11 this subchapter shall not be disclosed to any other person
12 without the written informed consent of the convicted or
13 alleged offender. A person to whom the results of a test
14 have been disclosed under this subchapter is subject to the
15 confidentiality provisions of section 141A.9, and shall not
16 disclose the results to another person except as authorized by
17 section 141A.9, subsection 2, paragraph "i".

18 5. If testing is ordered under this subchapter, the court
19 shall also order periodic testing of the convicted offender
20 during the period of incarceration, probation, or parole or of
21 the alleged offender during a period of six months following
22 the initial test if the physician or other practitioner who
23 ordered the initial test of the convicted or alleged offender
24 certifies that, based upon prevailing scientific opinion
25 regarding the maximum period during which the results of an
26 HIV-related test may be negative for a person after being
27 HIV-infected, additional testing is necessary to determine
28 whether the convicted or alleged offender was HIV-infected
29 at the time the sexual assault or alleged sexual assault was
30 perpetrated. The results of the test conducted pursuant to
31 this subsection shall be released only to the physician or
32 other practitioner who orders the test of the convicted or
33 alleged offender, the convicted or alleged offender, the victim
34 counselor or person requested by the victim to provide the
35 counseling regarding the HIV-related test and results who shall

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1 disclose the results to the petitioner, the physician of the
2 victim, if requested by the victim, and the county attorney
3 who may use the results as evidence in the prosecution of the
4 sexual assault or in the prosecution of the offense of criminal
5 transmission of HIV under chapter 709C filed the petition for
6 HIV-related testing under section 915.42.

7 Sec. 8. REPEAL. Chapter 709C, Code 2013, is repealed.

8 EXPLANATION

9 This bill creates the Contagious or Infectious Disease
10 Transmission Act and establishes crimes relating to the
11 intentional transmission of a contagious or infectious disease.

12 The bill provides that a person commits a class "C" felony
13 when the person knows the person is infected with a contagious
14 or infectious disease and exposes an uninfected person to
15 the contagious or infectious disease with the intent that
16 the uninfected person contract the contagious or infectious
17 disease, and the conduct results in the uninfected person
18 becoming infected with the contagious or infectious disease.
19 A class "C" felony is punishable by confinement for no more
20 than 10 years and a fine of at least \$1,000 but not more than
21 \$10,000.

22 A person commits a class "D" felony when the person knows
23 that the person has a contagious or infectious disease and
24 exposes an uninfected person to the contagious or infectious
25 disease with the intent that the uninfected person contract
26 the contagious or infectious disease, but the conduct does
27 not result in the uninfected person becoming infected with
28 the contagious or infectious disease. A class "D" felony is
29 punishable by confinement for no more than five years and a
30 fine of at least \$750 but not more than \$7,500.

31 A person commits an aggravated misdemeanor when the person
32 knows the person is infected with a contagious or infectious
33 disease and exposes an uninfected person to the contagious
34 or infectious disease acting with a reckless disregard as
35 to whether the uninfected person contracts the contagious

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1 or infectious disease, and the conduct results in the
2 uninfected person becoming infected with the contagious or
3 infectious disease. An aggravated misdemeanor is punishable by
4 confinement for no more than two years and a fine of at least
5 \$625 but not more than \$6,250.

6 The bill provides that becoming pregnant while infected with
7 a contagious or infectious disease, continuing a pregnancy
8 while infected with a contagious or infectious disease, or
9 declining treatment for a contagious or infectious disease
10 during pregnancy does not constitute a crime under the bill.
11 The bill also specifies that evidence that a person knows the
12 person is infected with a contagious or infectious disease and
13 has engaged in conduct that exposes others to the contagious or
14 infectious disease, regardless of the frequency of the conduct,
15 is insufficient on its own to prove the intent to transmit
16 the contagious or infectious disease. Additionally, the bill
17 specifies that a person does not act with the intent or the
18 reckless disregard required to commit the crimes specified
19 under the bill if the person takes practical means to prevent
20 transmission, or if the person informs the uninfected person of
21 the person's contagious or infectious disease status and offers
22 to take practical means to prevent transmission but that offer
23 is rejected by the uninfected person subsequently exposed to
24 the infectious or contagious disease. Under the bill, it is an
25 affirmative defense to a charge under the bill if the person
26 exposed to the contagious or infectious disease knew that the
27 infected person was infected with the contagious or infectious
28 disease at the time of the exposure and consented to exposure
29 with that knowledge.

30 The bill also repeals the provision establishing the knowing
31 transmission of the human immunodeficiency virus (HIV) as
32 a crime under Code section 709C.1. Under current Code, a
33 person commits criminal transmission of HIV if the person,
34 knowing that the person's human immunodeficiency virus status
35 is positive, engages in intimate contact with another person;



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1 transfers, donates, or provides the person's blood, tissue,
2 semen, organs, or other potentially infectious bodily fluids
3 for transfusion, transplantation, insemination, or other
4 administration to another person; or dispenses, delivers,
5 exchanges, sells, or in any other way transfers to another
6 person any nonsterile intravenous or intramuscular drug
7 paraphernalia previously used by the person infected with the
8 human immunodeficiency virus. Under current law, criminal
9 transmission of the human immunodeficiency virus is a class "B"
10 felony, which is punishable by confinement for no more than 25
11 years. The bill also makes conforming amendments throughout
12 the Code to eliminate references to the repealed Code section.



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Senate File 216 - Introduced

SENATE FILE 216

BY PETERSEN, WILHELM, TAYLOR,
HORN, DEARDEN, COURTNEY,
BOWMAN, GRONSTAL, JOCHUM,
BLACK, SODDERS, QUIRMBACH,
MATHIS, BRASE, HATCH,
RAGAN, BOLKCOM, HART,
DVORSKY, DOTZLER, HOGG, and
BEALL

A BILL FOR

1 An Act providing for training on suicide prevention and
2 trauma-informed care for school personnel.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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je/sc



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1 Section 1. Section 256.9, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 63. In coordination with the department
4 of public health, convene and facilitate an advisory group for
5 the purpose of selecting qualified programs for the training
6 of school personnel on suicide prevention and trauma-informed
7 care as required by section 272.2, subsection 19. The advisory
8 group shall be comprised of stakeholders, including but not
9 limited to mental health professionals, school administrators,
10 and guidance counselors.

11 Sec. 2. Section 272.2, Code 2013, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 19. Adopt rules requiring individuals
14 applying for renewal of a license, certificate, authorization,
15 or statement of recognition issued by the board who provide
16 a service to students from grades six through twelve to
17 undergo two hours of training on suicide prevention and
18 trauma-informed care prior to each renewal. For purposes of
19 this subsection, "*trauma-informed care*" means services that are
20 based on an understanding of the vulnerabilities and triggers
21 of individuals who have experienced trauma, recognize the role
22 trauma has played in the lives of those individuals, recognize
23 the presence of trauma symptoms and their onset, are supportive
24 of trauma recovery, and avoid further traumatization.

25 EXPLANATION

26 This bill requires the board of educational examiners
27 to adopt rules requiring individuals applying for renewal
28 of a license, certificate, authorization, or statement of
29 recognition issued by the board who provide a service to
30 students from grades six through 12 to undergo two hours
31 of training on suicide prevention and trauma-informed care
32 prior to each renewal. The requirement applies each time an
33 individual seeks renewal.

34 The bill requires the director of the department of
35 education, in coordination with the department of public

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1 health, to convene and facilitate an advisory group for the
2 purpose of selecting qualified programs for the training
3 required by the bill. The advisory group is to be comprised
4 of stakeholders, including but not limited to mental health
5 professionals, school administrators, and school guidance
6 counselors.



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Senate File 217 - Introduced

SENATE FILE 217
BY DANIELSON

A BILL FOR

1 An Act providing private and public employers with military
2 personnel and veteran hiring incentives, making
3 appropriations, and including retroactive applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

HIRE A HERO TAX CREDIT

Section 1. NEW SECTION. **422.10A Hire a hero tax credit.**

1. The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by a hire a hero tax credit. An employer who hires and employs an eligible employee is eligible to claim the tax credit.

2. As used in this section:

a. *"Eligible employee"* means a person who is a resident of this state and a member of the national guard, reserve, or regular component of the armed forces of the United States, or a veteran as defined in section 35.1, employed on a permanent full-time or a permanent part-time basis of at least thirty hours per week each week and earns a salary of thirty-five thousand dollars or more from the employer for the tax year. A person shall not be an eligible employee if the person was hired to replace a different eligible employee whose employment was terminated within the twelve-month period preceding the date of first employment, unless the eligible employee being replaced left employment voluntarily without good cause attributable to the employer or was discharged for misconduct in connection with the eligible employee's employment.

b. *"Employer"* includes a self-employed person who meets the definition of eligible employee.

c. *"Military service"* means federal active duty, state active duty, or national guard duty, as defined in section 29A.1.

3. The allowable credit shall be an amount equal to the sum of the following:

a. (1) One thousand dollars for each eligible employee hired for employment in this state during the tax year.

(2) If the eligible employee was not employed by the employer for the entire tax year, the amount of the credit in subparagraph (1) shall be prorated and the amount of the credit for the taxpayer shall equal the maximum amount of credit for

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1 the tax year, divided by twelve, multiplied by the number of
2 months in the tax year that the eligible employee was employed
3 by the employer. The credit shall be rounded to the nearest
4 dollar. If the employee was employed by the employer during
5 any part of a month, the eligible employee shall be considered
6 to be employed for the entire month.

7 *b.* (1) Five hundred dollars for each eligible employee
8 employed in this state during a tax year subsequent to the tax
9 year that the employee was hired for employment in this state.

10 (2) If the eligible employee was not employed by the
11 employer for the entire tax year, the amount of the credit in
12 subparagraph (1) shall be prorated and the amount of the credit
13 for the taxpayer shall equal the maximum amount of credit for
14 the tax year, divided by twelve, multiplied by the number of
15 months in the tax year that the eligible employee was employed
16 by the employer. The credit shall be rounded to the nearest
17 dollar. If the employee was employed by the employer during
18 any part of a month, the eligible employee shall be considered
19 to be employed for the entire month.

20 *c.* In addition to the credit amount in paragraph "a" or "b",
21 five hundred dollars for each eligible employee who performs at
22 least thirty days of military service during the tax year while
23 employed by the employer.

24 4. Any credit in excess of the tax liability shall be
25 refunded. In lieu of claiming a refund, a taxpayer may
26 elect to have the overpayment shown on the taxpayer's final,
27 completed return credited to the tax liability for the
28 following tax year.

29 5. An individual may claim the tax credit allowed a
30 partnership, limited liability company, S corporation, estate,
31 or trust electing to have the income taxed directly to the
32 individual. The amount claimed by the individual shall be
33 based upon the pro rata share of the individual's earnings of a
34 partnership, limited liability company, S corporation, estate,
35 or trust.

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1 6. The department shall, by rule, establish a process by
2 which to verify the status of eligible employees, as defined in
3 this section.

4 Sec. 2. Section 422.33, Code 2013, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 11. The taxes imposed under this division
7 shall be reduced by a hire a hero tax credit. The taxpayer
8 shall claim the tax credit according to the same requirements
9 and calculated in the same manner as provided in section
10 422.10A.

11 Sec. 3. Section 422.60, Code 2013, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 12. The taxes imposed under this division
14 shall be reduced by a hire a hero tax credit. The taxpayer
15 shall claim the tax credit according to the same requirements
16 and calculated in the same manner as provided in section
17 422.10A.

18 Sec. 4. RETROACTIVE APPLICABILITY. This division of this
19 Act applies retroactively to January 1, 2013, for eligible
20 employees hired or employed on or after that date.

21 DIVISION II

22 IOWA FULFILLING THE PROMISE FUND

23 Sec. 5. NEW SECTION. 35A.23 Iowa fulfilling the promise
24 fund.

25 1. a. An Iowa fulfilling the promise fund is created in the
26 state treasury under the control of the department. The fund
27 shall consist of appropriations made to the fund and any other
28 moneys available to and obtained or accepted by the department
29 from other sources for deposit in the fund.

30 b. There is appropriated from the general fund of the state
31 to the department for the fiscal year beginning July 1, 2013,
32 the sum of ten million dollars to be credited to the Iowa
33 fulfilling the promise fund.

34 c. The moneys credited to the fund are not subject to
35 section 8.33 and moneys in the fund shall not be transferred,

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1 used, obligated, appropriated, or otherwise encumbered except
2 as provided in this section. Notwithstanding section 12C.7,
3 subsection 2, interest or earnings on moneys deposited in the
4 Iowa fulfilling the promise fund shall be credited to the fund.

5 2. a. Moneys in the fund are appropriated annually to
6 the department to be used to distribute grants to political
7 subdivisions of this state to assist political subdivisions in
8 hiring eligible veterans.

9 b. If sufficient moneys are available, a political
10 subdivision may apply for and receive a grant of not less than
11 one thousand dollars and not more than ten thousand dollars for
12 each eligible veteran hired during the fiscal year. Grants
13 awarded under this section shall be determined on a sliding
14 scale established by the department based upon the salary
15 earned by an eligible veteran.

16 c. For purposes of this section, "*eligible veteran*" means
17 a person who is a resident of this state and a member of
18 the national guard, reserve, or a regular component of the
19 armed forces of the United States, or a veteran as defined in
20 section 35.1, employed on a permanent full-time or a permanent
21 part-time basis of at least thirty hours per week each week.
22 A person shall not be considered an eligible veteran if
23 the person was hired to replace a different employee whose
24 employment was terminated within the twelve-month period
25 preceding the date of first employment, unless the employee
26 being replaced left employment voluntarily without good cause
27 attributable to the employer or was discharged for misconduct
28 in connection with the employee's employment.

29 3. The department shall adopt rules pursuant to chapter 17A
30 necessary for the administration of this section.

31 EXPLANATION

32 This bill provides private and public employers with certain
33 incentives for hiring veterans and currently serving members of
34 the national guard, reserve, or regular component of the armed
35 forces of the United States.

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1 Division I of the bill creates the hire a hero tax credit
2 for purposes of the state individual and corporate income
3 taxes and the franchise tax. The tax credit is available for
4 employers in the amount of \$1,000 per eligible employee for the
5 year in which the eligible employee is hired, \$500 for each
6 year of employment subsequent to the year of hiring, and \$500
7 for each year an eligible employee is called to at least 30
8 days of military service. The annual credits for initial and
9 continued employment shall be prorated if such employment does
10 not extend through an entire tax year. Eligible employees must
11 be a resident of this state and be a member of the national
12 guard or a reserve or regular component of the armed forces
13 of the United States, or a veteran as defined in Code section
14 35.1, and employed on a permanent full-time or permanent
15 part-time basis of at least 30 hours per week and earning a
16 salary of \$35,000 or more. The bill provides that an otherwise
17 eligible employee shall not be considered an eligible employee
18 if the eligible employee was hired to replace another eligible
19 employee whose employment was terminated in the previous
20 12 months unless the eligible employee being replaced left
21 voluntarily or was discharged for misconduct. The bill applies
22 retroactively to January 1, 2013, for eligible employees hired
23 or employed on or after that date.

24 Division II of the bill creates an Iowa fulfilling the
25 promise fund to be administered by the department of veterans
26 affairs. The bill provides for a \$10 million appropriation for
27 the fiscal year beginning January 1, 2013. The bill provides
28 that moneys in the fund are appropriated to the department of
29 veterans to distribute grants to political subdivisions of the
30 state to hire eligible veterans. The grants shall be not less
31 than \$1,000 and not more than \$10,000 and shall be determined
32 on a sliding scale established by the department based upon the
33 salary earned by an eligible veteran. An "eligible veteran" is
34 defined as a person who is a resident of this state and a member
35 of the national guard, reserve, or a regular component of the

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1 armed forces of the United States, or a veteran as defined
2 in Code section 35.1, employed on a permanent full-time or a
3 permanent part-time basis of at least 30 hours per week each
4 week. The bill provides that an otherwise eligible veteran
5 shall not be considered an eligible veteran if the veteran
6 was hired to replace another employee whose employment was
7 terminated in the previous 12 months unless the employee being
8 replaced left voluntarily or was discharged for misconduct.
9 The bill provides that the moneys credited to the fund are not
10 subject to Code section 8.33. The bill also provides that
11 interest or earnings on moneys deposited into the fund shall
12 be credited to the fund.



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Senate File 218 - Introduced

SENATE FILE 218
BY ZAUN

A BILL FOR

1 An Act relating to the procedures and practices of the
2 department of revenue by permitting the abatement of
3 assessed interest under certain conditions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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mm/sc



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1 Section 1. Section 421.60, subsection 2, paragraph i, Code
2 2013, is amended to read as follows:

3 i. (1) The director may, at any time, abate any unpaid
4 portion of assessed tax, interest, or penalties ~~which~~ that the
5 director determines is erroneous, illegal, or excessive.

6 (2) The director may, at any time, abate any unpaid portion
7 of assessed interest upon a showing of substantial evidence by
8 the taxpayer of any of the following conditions:

9 (a) The assessment of interest was due to unreasonable delay
10 by the department.

11 (b) The assessment of interest was due to an erroneous
12 refund that was not in any way caused by the taxpayer.

13 (c) The assessment of interest was due to applicable,
14 documented, written advice from the department that was relied
15 upon by the taxpayer, which advice was provided specifically to
16 the taxpayer pursuant to a written request from the taxpayer,
17 and which advice has not been superseded by a court decision,
18 ruling by a quasi-judicial body, or the adoption, amendment, or
19 repeal of a statutory provision or rule of law.

20 (d) The assessment of interest was due to applicable,
21 documented, written advice or position by the department or
22 another state agency that was reasonably relied upon by the
23 taxpayer, which advice or position has not been superseded
24 by a court decision, ruling by a quasi-judicial body, or the
25 adoption, amendment, or repeal of a statutory provision or rule
26 of law.

27 (3) The director shall prepare quarterly reports
28 summarizing each case in which abatement of tax, interest, or
29 penalties was made. However, the report shall not disclose the
30 identity of the taxpayer.

31 EXPLANATION

32 This bill relates to the procedures and practices of the
33 department of revenue by permitting the director of the
34 department of revenue to abate assessed interest under certain
35 conditions. Under current law, the director is permitted to

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1 abate any unpaid portion of assessed interest that the director
2 determines is erroneous, illegal, or excessive. The bill
3 additionally permits the director to abate any unpaid portion
4 of assessed interest upon a showing of substantial evidence by
5 the taxpayer that one of the following conditions exists: 1)
6 the interest assessment was due to unreasonable delay by the
7 department; 2) the interest assessment was due to an erroneous
8 refund that was not in any way caused by the taxpayer; or 3)
9 the taxpayer relied on applicable, documented, written advice
10 provided by the department to the taxpayer pursuant to a
11 written request from the taxpayer, or the taxpayer reasonably
12 relied on other applicable, documented, written advice or
13 position by the department or another state agency, which
14 advice in either case has not been superseded by a court
15 decision, ruling by a quasi-judicial body, or the adoption,
16 amendment, or repeal of a statutory provision or rule of law.



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Senate Resolution 8 - Introduced

SENATE RESOLUTION NO. 8

BY DANIELSON

1 A Resolution encouraging the United States Department
2 of Defense to include the names of the fallen
3 sailors of the destroyer USS Frank E. Evans (DD-754)
4 on the Vietnam Veterans Memorial.

5 WHEREAS, on March 29, 1969, the officers and men
6 of USS Frank E. Evans (DD-754) departed Long Beach,
7 California, for the Western Pacific to carry out the
8 operational orders of their Commander in Chief during a
9 time of war with North Vietnam; and

10 WHEREAS, on June 3, 1969, USS Frank E. Evans
11 (DD-754), while on an allied naval exercise during the
12 Vietnam War, collided with the Australian aircraft
13 carrier, HMAS Melbourne (R-21) in the South China Sea,
14 near the coast of Vietnam; and

15 WHEREAS, the collision severed the ship into two
16 sections, with the forward section sinking in less
17 than three minutes, taking the lives of 74 American
18 sailors; and

19 WHEREAS, members of the United States Armed Forces
20 who died during the Vietnam War have been memorialized
21 by placing their names on the Vietnam Veterans Memorial
22 in Washington, D.C., if they died within the combat
23 zone; and

24 WHEREAS, the United States Department of Defense
25 maintains the men who died as a result of the USS Frank
26 E. Evans (DD-754) collision do not meet the criteria
27 for inclusion on the Vietnam Veterans Memorial since
28 the accident occurred outside the combat zone, and

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1 continues to deny the placement of the names of the
2 lost 74 sailors on the memorial; and

3 WHEREAS, the Vietnam War combat zone boundaries were
4 ill defined and have been changed from time to time,
5 and should not be the defining reason to exclude the
6 names of the lost sailors from the Vietnam Veterans
7 Memorial; and

8 WHEREAS, other members of the United States Armed
9 Forces who died outside the Vietnam War combat zone
10 have had their names placed on the Vietnam Veterans
11 Memorial; NOW THEREFORE,

12 BE IT RESOLVED BY THE SENATE, That the names of the
13 74 sailors from USS Frank E. Evans (DD-754) should be
14 included on the Vietnam Veterans Memorial, and that the
15 Senate fully supports an immediate favorable decision
16 by the United States Department of Defense to make an
17 exception to its criteria and include those names on
18 the Vietnam Veterans Memorial.

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Senate Study Bill 1181 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
ECONOMIC GROWTH BILL BY
CHAIRPERSON SODDERS)

A BILL FOR

1 An Act providing for benefit corporations, and providing for
2 fees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SUBCHAPTER I

PRELIMINARY PROVISIONS

Section 1. NEW SECTION. 490B.101 Short title.

This chapter shall be known and may be cited as the "*Iowa Benefit Corporation Act*".

Sec. 2. NEW SECTION. 490B.102 Definitions.

Except as otherwise provided in this chapter, or unless the context otherwise requires, the words and phrases used in this chapter shall have the same meaning as the words and phrases used in chapter 490, including but not limited to the words and phrases used in section 490.140. In addition, all of the following shall apply:

1. "*Benefit corporation*" means a business corporation, if all of the following apply:

a. It has elected to become subject to this chapter.

b. Its status as a benefit corporation has not been terminated.

2. "*Benefit director*" means any of the following:

a. A director designated as the benefit director of a benefit corporation under section 490B.302.

b. A person with one or more of the powers, duties, or rights of a benefit director to the extent provided in the articles of incorporation, bylaws, or a shareholder agreement under section 490B.302, subsection 6.

3. "*Benefit enforcement proceeding*" means a claim or action relating to any of the following:

a. The failure of a benefit corporation to pursue or create general public benefit or a specific public benefit set forth in its articles of incorporation.

b. A violation of any obligation, duty, or standard of conduct provided under this chapter.

4. "*Benefit officer*" means an individual designated as the benefit officer of a benefit corporation under section 490B.304.

5. "*Business corporation*" means a corporation formed as a

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1 domestic corporation under chapter 490.

2 6. "*Entity*" means a person formed under the laws of
3 this state including but not limited to a limited liability
4 company under chapter 489; a corporation under chapter 490;
5 a nonprofit corporation under chapter 504; a partnership,
6 limited partnership, limited liability partnership, or limited
7 liability limited partnership under chapter 486A or 488; or a
8 cooperative association or other cooperative organized under
9 chapter 497, 498, 499, 501, or 501A.

10 7. "*General public benefit*" means a material positive impact
11 on society or the environment, taken as a whole, assessed
12 against a third-party standard, which results from the business
13 and operations of a benefit corporation.

14 8. "*Independent*" means having no material relationship
15 with a benefit corporation or a subsidiary of the benefit
16 corporation as provided in section 490B.304A.

17 9. "*Minimum status vote*" means any of the following:

18 a. In the case of a business corporation, in addition to any
19 other required approval or vote required under chapter 490, the
20 satisfaction of all of the following conditions:

21 (1) The shareholders of every class or series are
22 entitled to vote as a separate voting group on the corporate
23 action regardless of a limitation stated in the articles of
24 incorporation or bylaws regarding the voting rights of any
25 class or series.

26 (2) The corporate action is approved by vote of the
27 shareholders of each class or series entitled to cast at least
28 two-thirds of the votes that all shareholders of the class or
29 series are entitled to cast on the action.

30 b. In the case of an entity other than a business
31 corporation, in addition to any other required approval, vote,
32 or consent, the satisfaction of all the following conditions:

33 (1) The holders of every class or series of equity interest
34 in the entity that are entitled to receive a distribution of
35 any kind from the entity are entitled to vote on or consent to

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1 the action regardless of any otherwise applicable limitation on
2 the voting or consent rights of any class or series.

3 (2) The action is approved by vote or consent of the
4 holders described in subparagraph (1) entitled to cast at least
5 two-thirds of the votes or consents that all of those holders
6 are entitled to cast on the action.

7 10. "*Specific public benefit*" means any of the following:

8 a. Providing low-income or underserved individuals or
9 communities with beneficial products or services.

10 b. Promoting economic opportunity for individuals or
11 communities beyond the creation of jobs in the normal course
12 of business.

13 c. Protecting or restoring the environment.

14 d. Improving human health.

15 e. Promoting the arts, sciences, or advancement of
16 knowledge.

17 f. Increasing the flow of capital to entities with a purpose
18 to benefit society or the environment.

19 g. Conferring any other particular benefit on society or the
20 environment.

21 11. "*Subsidiary*" means, in relation to a person, an entity
22 in which the person holds beneficially or of record fifty
23 percent or more of the outstanding equity interests.

24 12. "*Third-party standard*" means a recognized standard
25 for defining, reporting, and assessing corporate social or
26 environmental performance that is all of the following:

27 a. Comprehensive because the standard assesses the effect of
28 the business and its operations upon the interests listed in
29 section 490B.301, subsection 1, paragraphs "b" through "e".

30 b. Developed by an entity that is not controlled by the
31 benefit corporation.

32 c. Credible because the standard is developed by an entity
33 that meets all of the following conditions:

34 (1) Has access to necessary expertise to assess overall
35 corporate social or environmental performance.



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1 (2) Uses a balanced multiple stakeholder approach to
2 develop the standard, including a reasonable public comment
3 period.

4 d. Transparent because the following information is made
5 publicly available:

6 (1) A description of the standard that includes all of the
7 following:

8 (a) Criteria considered when measuring the overall social
9 or environmental performance of a business corporation.

10 (b) The relative weightings, if any, of the criteria
11 described in subparagraph division (a).

12 (2) A description of the development and revision of the
13 standard which includes all of the following:

14 (a) The identity of the directors, officers, material
15 owners, and the governing body of the entity that developed and
16 controls revisions to the standard.

17 (b) The process by which revisions to the standard and
18 changes to the membership of the governing body are made.

19 (c) An accounting of the revenue and sources of financial
20 support for the entity, with sufficient detail to disclose any
21 relationship that could reasonably be considered to present a
22 potential conflict of interest.

23 Sec. 3. NEW SECTION. 490B.103 Application and effect of
24 chapter.

25 1. This chapter applies to all benefit corporations.

26 2. The existence of a provision of this chapter shall not
27 of itself create an implication that a contrary or different
28 rule of law is applicable to a business corporation that is not
29 a benefit corporation. This chapter shall not affect a statute
30 or rule of law that is applicable to a business corporation
31 that is not a benefit corporation.

32 3. Chapter 490 shall be construed as part of this chapter
33 and shall apply to benefit corporations, including but not
34 limited to their formation or organization, reports, fees,
35 authority, powers, rights, and the regulation and conduct of

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1 their affairs.

2 4. A benefit corporation may be subject simultaneously to
3 this chapter and one or more other chapters of this title,
4 including chapter 496C. In such event, the provisions of
5 this chapter shall take precedence with respect to a benefit
6 corporation.

7 5. A provision of the articles of incorporation or bylaws of
8 a benefit corporation shall not limit, be inconsistent with, or
9 supersede a provision of this chapter.

10 Sec. 4. NEW SECTION. 490B.104 Incorporation of benefit
11 corporation.

12 A benefit corporation shall be incorporated in accordance
13 with chapter 490, division II. The articles of incorporation
14 of a benefit corporation must also state that it is a benefit
15 corporation.

16 Sec. 5. NEW SECTION. 490B.105 Election of benefit
17 corporation status.

18 1. An existing business corporation may become a benefit
19 corporation under this chapter by amending its articles of
20 incorporation so that the articles contain, in addition to
21 the requirements of chapter 490, division II, a statement
22 that the corporation is a benefit corporation. In order to
23 be effective, the amendment must be adopted by at least the
24 minimum status vote.

25 2. a. An entity that is not a benefit corporation may
26 become a benefit corporation pursuant to subsection 1 if all
27 of the following apply:

28 (1) The entity is one of the following:

29 (a) A party to a merger or conversion.

30 (b) An exchanging entity in a share exchange.

31 (2) The surviving, new, or resulting entity in the merger,
32 conversion, or share exchange is to be a benefit corporation.

33 b. In order to be effective, a plan of merger, conversion,
34 or share exchange subject to paragraph "a" must be adopted by at
35 least the minimum status vote.

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1 Sec. 6. NEW SECTION. **490B.106 Termination of benefit**
2 **corporation status.**

3 1. A benefit corporation may terminate its status as
4 such and cease to be subject to this chapter by amending its
5 articles of incorporation to delete the provision required by
6 section 490B.104 or 490B.105 to be stated in the articles of a
7 benefit corporation. In order to be effective, the amendment
8 must be adopted by at least the minimum status vote.

9 2. If a plan of merger, conversion, or share exchange
10 would have the effect of terminating the status of a business
11 corporation as a benefit corporation, the plan must be adopted
12 by at least the minimum status vote in order to be effective.
13 Any sale, lease, exchange, or other disposition of all or
14 substantially all of the assets of a benefit corporation,
15 unless the transaction is in the usual and regular course of
16 business, shall not be effective unless the transaction is
17 approved by at least the minimum status vote.

18 SUBCHAPTER II
19 CORPORATE PURPOSES

20 Sec. 7. NEW SECTION. **490B.201 Corporate purposes.**

21 1. A benefit corporation shall have a purpose of creating
22 a general public benefit. This purpose is in addition to its
23 purpose under section 490.301.

24 2. The articles of incorporation of a benefit corporation
25 may identify one or more specific public benefits to be created
26 as a purpose in addition to any purpose provided in section
27 490.301 or subsection 1. The identification of a specific
28 public benefit under this subsection does not limit the
29 obligation of a benefit corporation under subsection 1.

30 3. The creation of a general public benefit as described
31 in subsection 1 and a specific public benefit as described
32 in subsection 2 must be in the best interests of the benefit
33 corporation.

34 4. A benefit corporation may amend its articles of
35 incorporation to add, amend, or delete the identification of a



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1 specific public benefit that it is the purpose of the benefit
2 corporation to create. In order to be effective, the amendment
3 must be adopted by at least the minimum status vote.

4 5. A professional corporation that is a benefit corporation
5 does not violate section 496C.4 by having the purpose to create
6 a general public benefit as provided in subsection 1 or a
7 specific public benefit as provided in subsection 2.

8 SUBCHAPTER III
9 ACCOUNTABILITY

10 Sec. 8. NEW SECTION. 490B.301 Standard of conduct for
11 directors.

12 1. In discharging the duties of their respective positions
13 and in considering the best interests of the benefit
14 corporation, a benefit corporation's board of directors,
15 committees, and individual directors shall consider the effects
16 of any action or inaction upon all of the following:

17 a. The shareholders of the benefit corporation.

18 b. The employees and workforce of the benefit corporation,
19 its subsidiaries, and its suppliers.

20 c. The interests of customers as beneficiaries of the
21 general public benefit or specific public benefit of the
22 benefit corporation as provided in section 490B.201.

23 d. Community or societal factors, including those of
24 each community in which offices or facilities of the benefit
25 corporation, its subsidiaries, or its suppliers are located.

26 e. The local and global environment.

27 f. The short-term and long-term interests of the benefit
28 corporation, including but not limited to benefits that may
29 accrue to the benefit corporation from its long-term plans and
30 the possibility that these interests may be best served by the
31 continued independence of the benefit corporation.

32 g. The ability of the benefit corporation to create its
33 general public benefit or any specific public benefit as
34 provided in section 490B.201.

35 2. In discharging the duties of their respective positions



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1 and in considering the best interests of the benefit
2 corporation, a benefit corporation's board of directors,
3 committees, and individual directors may consider any of the
4 following:
5 a. The interests referred to in section 490.1108A.
6 b. Any other pertinent factor or the interest of any other
7 person or group of persons deemed appropriate.
8 3. In discharging the duties of their respective positions
9 and in considering the best interests of the benefit
10 corporation, a benefit corporation's board of directors,
11 committees, and individual directors need not give priority to
12 the interest of a particular person referred to in subsection 1
13 or 2 over the interests of any other person unless the benefit
14 corporation's articles of incorporation state the benefit
15 corporation's intention to give priority to a certain interest
16 related to a general public benefit or a specific public
17 benefit as provided in section 490B.201.
18 4. The consideration of an interest or factor in the manner
19 required by subsections 1 through 3 shall not constitute a
20 violation of section 490.830.
21 5. Except as provided in the articles of incorporation or
22 bylaws of a benefit corporation, a director is not personally
23 liable for monetary damages for any of the following:
24 a. An action or inaction in the course of performing the
25 duties of a director under subsections 1 through 3 if the
26 director performed the duties of office in compliance with this
27 section and section 490.830.
28 b. The failure of the benefit corporation to pursue or
29 create a general public benefit or a specific public benefit as
30 provided in section 490B.201.
31 6. A director of a benefit corporation does not have a duty
32 to a person who is a beneficiary of the general public benefit
33 or a specific public benefit of the benefit corporation as
34 provided in section 490B.201, arising from the status of the
35 person as a beneficiary.



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1 7. A director of a benefit corporation who makes a business
2 judgment in good faith fulfills the duty under this section if
3 all of the following apply:

4 a. The director is not interested in the subject of the
5 business judgment.

6 b. The director is informed with respect to the subject of
7 the business judgment to the extent the director reasonably
8 believes to be appropriate under the circumstances.

9 c. The director rationally believes that the business
10 judgment is in the best interests of the benefit corporation.

11 Sec. 9. NEW SECTION. 490B.302 Benefit director.

12 1. The board of directors of a benefit corporation that is
13 a publicly traded corporation shall, and the board of any other
14 benefit corporation may, include a director who is designated
15 the benefit director. Such director shall have, in addition
16 to the powers, duties, rights, and immunities of the other
17 directors of the benefit corporation, the powers, duties,
18 rights, and immunities provided in this subchapter.

19 2. a. A benefit director shall be elected, and may be
20 removed, in the manner provided by chapter 490, division VIII,
21 part A. Except as provided in subsection 6, the benefit
22 director shall be an individual who is independent. The
23 benefit director may serve as the benefit officer at the
24 same time as serving as the benefit director. The articles
25 of incorporation or bylaws of a benefit corporation may
26 prescribe additional qualifications of the benefit director not
27 inconsistent with this paragraph.

28 b. Notwithstanding paragraph "a", a benefit director of
29 a professional corporation subject to chapter 496C is not
30 required to be independent.

31 3. The benefit director shall prepare, and the benefit
32 corporation shall include in the annual benefit report to
33 shareholders required by section 490B.401, the opinion of the
34 benefit director regarding all of the following:

35 a. Whether the benefit corporation acted in accordance with



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1 its general public benefit and any specific public benefit as
2 provided in section 490B.201 in all material respects during
3 the period covered by the report.

4 *b.* Whether the directors and officers complied with section
5 490B.301, subsection 1, and section 490B.303, subsection 1,
6 respectively.

7 *c.* If, in the opinion of the benefit director, the benefit
8 corporation's directors or officers failed to comply with
9 paragraph "b", a description of the ways in which the benefit
10 corporation's directors or officers failed to comply.

11 4. An act or inaction of an individual in the capacity of a
12 benefit director shall constitute for all purposes an act or
13 inaction of that individual in the capacity of a director of
14 the benefit corporation.

15 5. Regardless of whether the articles of incorporation or
16 bylaws of a benefit corporation include a provision eliminating
17 or limiting the personal liability of a director authorized by
18 section 490.202, a benefit director is not personally liable
19 for an act or omission in the director's capacity as a benefit
20 director unless the act or omission constitutes self-dealing,
21 willful misconduct, or a knowing violation of law.

22 6. *a.* The articles of incorporation, bylaws, or a
23 shareholder agreement under section 490.732 of a benefit
24 corporation shall provide that the persons who perform the
25 duties of the board of directors include a person with the
26 powers, duties, rights, and immunities of a benefit director if
27 the articles of incorporation, bylaws, or shareholder agreement
28 provides that the powers and duties conferred or imposed upon
29 the board of directors may be exercised or performed by a
30 person other than the directors.

31 *b.* A person that exercises one or more of the powers,
32 duties, or rights of a benefit director under paragraph "a" is
33 subject to all of the following:

34 (1) Is not required to be independent of the benefit
35 corporation.



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1 (2) Has the immunities of a benefit director.

2 (3) May share the powers, duties, and rights of a benefit
3 director with one or more other persons.

4 (4) Shall not be subject to the procedures for election or
5 removal of directors as provided in chapter 490, division VIII,
6 part A, unless any of the following applies:

7 (a) The person is also a director of the benefit
8 corporation.

9 (b) The articles of incorporation, bylaws, or a shareholder
10 agreement make those procedures applicable.

11 Sec. 10. NEW SECTION. 490B.303 Standard of conduct for
12 officers.

13 1. Each officer of a benefit corporation shall consider the
14 interests and factors described in section 490B.301, subsection
15 1, in the manner provided in that subsection if all of the
16 following apply:

17 a. The officer has discretion to act with respect to a
18 matter.

19 b. It reasonably appears to the officer that the matter
20 may have a material effect on the creation by the benefit
21 corporation of its general public benefit or a specific public
22 benefit as provided in section 490B.201.

23 2. The consideration of the best interests of the benefit
24 corporation in the manner described in subsection 1 shall not
25 constitute a violation of section 490.842.

26 3. Except as provided in the articles of incorporation or
27 bylaws of a benefit corporation, an officer is not personally
28 liable for monetary damages for any of the following:

29 a. An action or inaction as an officer in the course of
30 performing the duties of an officer under subsection 1 if the
31 officer performed the duties of the position in compliance with
32 section 490.842 and this section.

33 b. The failure of the benefit corporation to pursue or
34 create its general public benefit or a specific public benefit
35 as provided in section 490B.201.

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1 4. An officer does not have a duty to a person who is
2 a beneficiary of the general public benefit or a specific
3 public benefit of the benefit corporation, as provided in
4 section 490B.201, arising from the status of the person as a
5 beneficiary.

6 5. An officer who makes a business judgment in good faith
7 fulfills the duty under this section if all of the following
8 apply:

9 a. The officer is not interested in the subject of the
10 business judgment.

11 b. The officer is informed with respect to the subject of
12 the business judgment to the extent the officer reasonably
13 believes to be appropriate under the circumstances.

14 c. The officer rationally believes that the business
15 judgment is in the best interests of the benefit corporation.

16 Sec. 11. NEW SECTION. **490B.304 Benefit officer.**

17 1. A benefit corporation may have an officer designated as
18 the benefit officer.

19 2. a. A benefit officer shall have the powers and duties
20 relating to the purpose of the corporation to create a general
21 public benefit or a specific public benefit as provided in
22 section 490B.201, if authorized by any of the following:

23 (1) The articles of incorporation or bylaws of the benefit
24 corporation.

25 (2) Absent any controlling provisions in the articles
26 of incorporation or bylaws of the benefit corporation, by
27 resolution or order of the benefit corporation's board of
28 directors.

29 b. A benefit officer shall have the duty to prepare the
30 benefit report required by section 490B.401.

31 Sec. 12. NEW SECTION. **490B.304A Benefit officers and**
32 **directors — criteria for independence.**

33 1. Serving as a benefit director or benefit officer
34 shall not alone affect whether an individual is or is not
35 independent.



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1 2. A material relationship between an individual and a
2 benefit corporation or any of its subsidiaries is conclusively
3 presumed to exist if any of the following apply:

4 a. The individual is, or has been within the last three
5 years, an employee other than a benefit officer of the benefit
6 corporation or a subsidiary.

7 b. An immediate family member of the individual is, or
8 has been within the last three years, an executive officer
9 other than a benefit officer of the benefit corporation or a
10 subsidiary.

11 c. There is beneficial or record ownership of five percent
12 or more of the outstanding shares of the benefit corporation,
13 calculated as if all outstanding rights to acquire equity
14 interests in the benefit corporation had been exercised, by any
15 of the following:

16 (1) The individual.

17 (2) An entity if any of the following apply:

18 (a) The individual is a director, an officer, or a manager
19 of the entity.

20 (b) The individual owns beneficially or of record five
21 percent or more of the entity's outstanding equity interests,
22 calculated as if all outstanding rights to acquire equity
23 interests in the entity had been exercised.

24 Sec. 13. NEW SECTION. **490B.305 Right of action — benefit**
25 **enforcement proceedings.**

26 1. a. Except in a benefit enforcement proceeding, a person
27 shall not bring an action or assert a claim against a benefit
28 corporation or its directors or officers with respect to any
29 of the following:

30 (1) The failure of the benefit corporation to pursue or
31 create a general public benefit or a specific public benefit
32 as set forth in its articles of incorporation as provided in
33 section 490B.201.

34 (2) A violation of an obligation, duty, or standard of
35 conduct under this chapter.



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1 *b.* A benefit corporation shall not be liable for monetary
2 damages under this chapter for any failure of the benefit
3 corporation to pursue or create a general public benefit or a
4 specific public benefit as provided in section 490B.201.

5 2. A benefit enforcement proceeding may be commenced or
6 maintained only as follows:

7 *a.* Directly by the benefit corporation.

8 *b.* Derivatively, in accordance with chapter 490, division
9 VII, part D by any of the following:

10 (1) A person or group of persons that owns beneficially or
11 of record at least two percent of the total number of shares
12 of all classes and series outstanding on the date of the
13 complained of action or inaction.

14 (2) A director of the benefit corporation.

15 (3) A person or group of persons that owns beneficially
16 or of record five percent or more of the outstanding equity
17 interests in an entity of which the benefit corporation is a
18 subsidiary on the date of the complained of action or inaction.

19 (4) Any other person or group of persons as specified in the
20 articles of incorporation or bylaws of the benefit corporation.

21 3. For purposes of this section, a person is the beneficial
22 owner of shares or equity interests if the shares or equity
23 interests are held in a voting trust or by a nominee on behalf
24 of the beneficial owner.

25 SUBCHAPTER IV

26 TRANSPARENCY

27 Sec. 14. NEW SECTION. 490B.401 Preparation of annual
28 benefit report.

29 1. A benefit corporation shall prepare an annual benefit
30 report which shall include at least all of the following:

31 *a.* A narrative description of all of the following:

32 (1) The ways in which the benefit corporation pursued or
33 created a general public benefit.

34 (2) The ways in which the benefit corporation pursued
35 or created a specific public benefit, as provided in section

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1 490B.201, to the extent that the specific public benefit is
2 stated in the benefit corporation's articles of incorporation.

3 (3) Any circumstances that have hindered the pursuit or
4 creation of a general public benefit or a specific public
5 benefit as provided in section 490B.201.

6 (4) The process and rationale for selecting or changing the
7 third-party standard used to prepare the benefit report.

8 b. An assessment of the overall social or environmental
9 performance of the benefit corporation against a third-party
10 standard that is all of the following:

11 (1) Applied consistently with any application of the
12 third-party standard in prior benefit reports.

13 (2) Accompanied by an explanation of the reasons for any of
14 the following:

15 (a) Inconsistent application.

16 (b) A change to the third-party standard from the standard
17 used in the immediately prior report.

18 c. The name of the benefit director and the benefit officer,
19 if any, and the address to which correspondence to each of them
20 may be directed.

21 d. The compensation paid by the benefit corporation, during
22 the year, to each director in the capacity of a director.

23 e. The opinion of the benefit director described in section
24 490B.302, subsection 3.

25 f. A statement of any connection between the organization
26 that established the third-party standard, or its directors,
27 officers, or any holder of five percent or more of the
28 governance interests in the organization, and the benefit
29 corporation or its directors, officers, or any holder of five
30 percent or more of the outstanding shares of the benefit
31 corporation, including any financial or governance relationship
32 which might materially affect the credibility of the use of the
33 third-party standard.

34 g. If the benefit corporation has dispensed with, or
35 restricted the discretion or powers of, the board of directors,

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1 a description of all of the following:

2 (1) Each person who exercises the powers, duties, and rights
3 of the benefit corporation and who has the immunities of the
4 board of directors.

5 (2) The person who is designated as a benefit director or
6 who exercises the powers and duties of a benefit director as
7 required by section 490B.302.

8 2. If, during the year covered by a benefit report,
9 a benefit director resigned from or refused to stand for
10 reelection to the position of benefit director, or was removed
11 from the position of benefit director, and the benefit director
12 furnished the benefit corporation with written correspondence
13 concerning the circumstances surrounding the resignation,
14 refusal, or removal, the benefit report shall include that
15 correspondence as an exhibit.

16 3. Neither the benefit report nor the assessment of the
17 performance of the benefit corporation in the benefit report
18 required by subsection 1, paragraph "b", is required to be
19 audited or certified by a third party.

20 Sec. 15. NEW SECTION. 490B.402 Availability of annual
21 benefit report — filing — fee.

22 1. A benefit corporation shall send its annual benefit
23 report to each shareholder on the earlier of any of the
24 following:

25 a. One hundred twenty days following the end of the fiscal
26 year of the benefit corporation.

27 b. The date that the benefit corporation delivers any other
28 annual report to its shareholders.

29 2. A benefit corporation shall post all of its benefit
30 reports on the public portion of its internet site, if any.
31 However, the compensation paid to directors and financial or
32 proprietary information included in a benefit report required
33 pursuant to section 490B.401 may be omitted from the benefit
34 reports as posted.

35 3. a. Concurrently with the delivery of the benefit report

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1 to shareholders under subsection 1, the benefit corporation
2 shall deliver a copy of the benefit report to the secretary
3 of state for filing. However, the compensation paid to
4 directors and financial or proprietary information included in
5 the benefit report may be omitted from the benefit report as
6 delivered to the secretary of state.

7 *b.* The secretary of state may impose and collect a fee of
8 not more than ten dollars for filing a benefit report.

EXPLANATION

10 GENERAL. This bill allows a business corporation to
11 incorporate and operate as a benefit corporation, generally
12 subject to the Iowa business corporation Act (Code chapter 490)
13 except as provided in the bill's new Code chapter (Code chapter
14 490B).

15 ELECTION TO ATTAIN OR TERMINATE BENEFIT CORPORATION STATUS.
16 The bill provides that a business corporation attains or
17 terminates its status as a benefit corporation by shareholder
18 election. The election must be by an affirmative vote of
19 at least two-thirds of each of the corporation's classes of
20 shareholders, or a higher vote threshold if required in its
21 articles of incorporation (referred to as a "minimum status
22 vote").

ARTICLES OF INCORPORATION. The bill provides that a benefit corporation's articles of incorporation must have as a purpose the creation of a general public benefit which provides some material positive impact on society or the environment as assessed against a third-party standard. The bill provides that a benefit corporation's articles of incorporation may list one or more specific public purposes, including providing low-income or underserved individuals or communities with beneficial products or services, promoting economic opportunity beyond the creation of jobs in the normal course of business, preserving the environment, improving human health, promoting the arts or sciences, or increasing the flow of capital to entities with a public benefit purpose.

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1 BOARD ACTION. The bill requires a benefit corporation's
2 board of directors, in addition to its fiduciary duty to make
3 decisions based on financial interests, to also consider
4 factors associated with creating a general public benefit or
5 furthering a specific public benefit, or other beneficial
6 goal. The bill requires the board of directors to consider
7 the effects of its actions upon its shareholders, employees,
8 and workforce; subsidiaries and suppliers; customers as
9 beneficiaries of the general or specific public benefit
10 purposes; the impacts upon the community; the local and global
11 environment; and the short-term and long-term interests of the
12 benefit corporation. The bill limits a director's personal
13 liability due to any failure of the benefit corporation to
14 accomplish a general or specific public benefit purpose.

15 LEGAL ACTIONS. The bill prohibits a person from bringing an
16 action against a benefit corporation or its directors, except
17 in a benefit enforcement proceeding. A benefit enforcement
18 proceeding can only be commenced by the benefit corporation
19 or derivatively by a person or group that holds shares in
20 the corporation or an equity interest in the corporation, by
21 a director, or by any other person or group provided in the
22 articles of incorporation.

23 BENEFIT DIRECTOR AND OFFICER. The bill requires a public
24 corporation's board of directors to include a benefit director.
25 A privately held benefit corporation's board may include
26 such director. Such director must be independent, having
27 no material relationship with the benefit corporation. The
28 bill provides that a benefit corporation may have a benefit
29 officer who is charged with overseeing the creation of the
30 corporation's general public benefit or a specific public
31 benefit.

32 REPORT. The bill requires a benefit corporation to prepare
33 an annual benefit report to its shareholders. The report is
34 to be prepared by its benefit officer, if it has one. The
35 report must include the process and rationale for selecting a



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1 third-party standard used to prepare the benefit report, the
2 ways in which the benefit corporation pursued its general and
3 specific public benefits, any circumstances that hindered the
4 creation of a general or specific public benefit, an assessment
5 of the overall social or environmental performance of the
6 benefit corporation prepared in accordance with a third-party
7 standard, and a statement prepared by the benefit director
8 indicating whether the benefit corporation pursued its general
9 or any specific public benefit purpose. The bill also requires
10 the benefit corporation to file the benefit report with the
11 secretary of state and pay the secretary of state a filing fee.